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THE GIFT OF
Ohio State Library

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1915

Agricultural Laws of Ohio

Compiled by
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Columbus, Ohio, August 28, 1915.

Board of Library Commissioners, Columbus, Ohio.

Gentlemen:

I herewith transmit to you a copy of the agricultural laws of Ohio including those enacted at the regular session of the 81st General Assembly. Within the past three years such extensive changes have been made in these laws that it had seemed very desirable to have them published in this form in order that they might be readily available to the very large number of interested officers and citizens in the state. The laws are preceded by a review of Ohio legislation relating to agriculture.

In the preparation of this publication I have had the assistance of George A. Edge, Mildred Van Schoick and Clara Hack of the Legislative Reference Department.

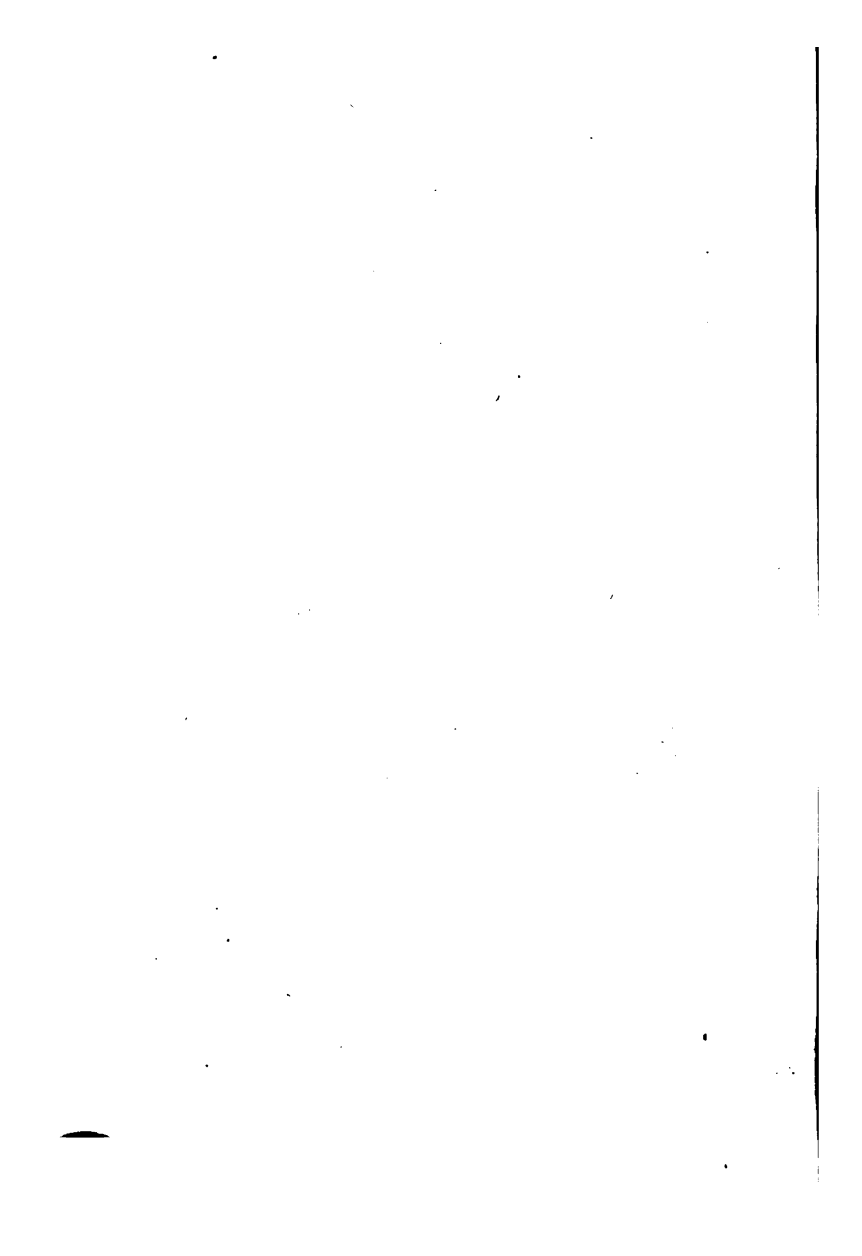
Very respectfully yours,

C. B. GALBREATH,
Director Legislative Reference Department.

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REVIEW OF OHIO LEGISLATION RELATING TO AGRICULTURE.

Early Agriculture in Ohio.

Agriculture was carried on to some extent by the primitive inhabitants of the territory now embraced in the state of Ohio. The earliest of these of which we have knowledge, the moundbuilders, raised Indian corn which they stored underground, and the charred remains of which are found in the mounds to this day. The charring of the ears made it imperishable, and in this form it has been so completely preserved that the number of rows of grains on the cob of the corn raised by these primitive people is readily determined, as are also the size and shape of the grains.

When the Ohio country was first explored Indians were found cultivating, in a primitive way, fields of corn along the rich river bottoms. With the coming of the white man, forests were cleared away and orchards, meadows, and grainfields took their place. After the admission of Ohio into the Union, agriculture, for a number of years, was practically the only occupation.

An agricultural society was organized at Youngstown as early as December 12, 1818. Judge George Tod, father of Governor Tod, Wm. Rayan, and Calvin Pease were the leaders of this association and formulated its articles of organization.

The Agricultural and Mechanical Society of Washington (Ohio) and Wood (Virginia) counties was organized on the 28th day of April the following year. It held a fair at Marietta October 18, 1826.

The Cincinnati Society for the Promotion of Agriculture, Manufactories and Domestic Economy was organized

July 24, 1819 with General William Henry Harrison as president. The society held a fair in Cincinnati, September 26, 1820. This is said to have been the first agricultural fair held in the state.

The first legislative act providing for the organization of such a society appears to have been passed in January, 1828. It incorporated the agricultural society of the county of Geauga under the name of the Geauga Agricultural Society and provided that the funds of the society should not be applied "to any other purpose than the payment of premiums awarded by said society, the purchase of personal and real estate, the erection of buildings, if necessary, the payment of incidental expenses, and shall at no time exceed, in value \$10,000."

In January of 1829 the legislature incorporated the Muskingum County Agricultural and Manufacturing Society, whose object is not very clearly defined, outside of the proviso: — "That the funds of said society shall not be used for any other purpose than the promotion of agriculture and manufactories."

On February 9th of the same year an act was passed incorporating the Agricultural Society of Portage County and providing that "the funds of said society shall not be applied to any other purpose than the payment of premiums awarded by said society, the purchase of personal and real estate, the erection of buildings, if necessary, and the payment of incidental expenses, and shall at no time exceed, in value, the sum of \$10,000."

The Hamilton County Agricultural Society was incorporated January 15, 1831, for the purpose of "promoting the interests of agriculture and manufactories."

Evolution of the Board of Agriculture of Ohio.

In 1833 a distinct advance was made in agricultural legislation. An act was passed to "authorize and encourage the establishment of agricultural societies in the several counties of the state, and for other purposes."

This act required that the county commissioners of each organized county in the state, at their June session of that year, and annually thereafter, "if they deemed it necessary," to give notice in some county paper or by "setting up of written notes in five public places" in the counties in which no newspaper was published, of a meeting to be held on the last Friday of June for the purpose of organizing an agricultural society. If twenty or more persons assembled in response to this notice, they could proceed to organize an agricultural society for the county. The amount that each member of the society could be required to pay for its support was limited to five dollars in any one year, and the county commissioners were authorized to expend annually for the support of the society a sum not to exceed fifty dollars in any one year.

This act, which was general in its nature, obviated the necessity of passing special acts for the organization of agricultural societies in the different counties of the state. It was amended in 1835 to enable adjacent counties to unite and form agricultural districts for the purpose of organizing agricultural societies.

In 1846 another great forward stride was made by the legislature in an enactment "for the encouragement of agriculture." It repealed the act of 1833, made more provisions for the support of county and district agricultural societies, and raised the limit of the money that could be appropriated by the county to two hundred dollars annually. Regulations were provided for the granting of premiums and the publication of reports. One section of the law provided for the creation of the state board of agriculture, naming those who should constitute the first board, fifty-three in number. The term of service of one-half of the members expired annually. The members of the board or any ten of them were authorized to meet in Columbus annually on the first Wednesday after the first Monday in December. Presidents of the various

county organizations were ex-officio members of the state board of agriculture. The board was required to make to the general assembly of the state an annual report, embracing their proceedings and an abstract of the proceedings of the various agricultural societies "as well as a general view of the condition of agriculture throughout the state, accompanied by such recommendations as they may deem interesting and useful." Here we have the authority for what became the Annual Report of the Ohio State Board of Agriculture, which, under slightly varying names, has been published annually ever since 1846. Vacancies on the board were to be filled by vote of its members.

On February 8, 1847, the legislature amended the act of 1846 by reducing the membership of the state board of agriculture to ten. The members named in this act were Allan Trimble, M. L. Sullivant, Samuel Medary, Darius Lapham, Arthur Watts, M. B. Bateham, John Coddington, Jared P. Kirtland, and Isaac Moore. This was a great improvement over the large and unwieldy board designated by the previous act. The small sum of two hundred dollars was appropriated for the use of the board. Another act passed at the same session of the legislature and on the same day provided that one-half of the revenue derived from "public shows and all money realized from the sale of escheated estates" should go to the state agricultural fund to be used by the board for "the improvement of the agricultural interests of the state."

On February 18, 1848 an act was passed authorizing the state board of agriculture to pay the expenses of its members while attending not to exceed three meetings each year.

On February 15, 1853, the county agricultural societies were made bodies corporate and authorized to purchase real estate and improve the same.

The legislature in 1856 provided that the money accruing from the sale of escheated lands should go for the support of the board of agriculture after an amount not to exceed \$600 had been reserved for the county agricultural society.

Three years later a law was passed requiring assessors to ascertain the number of sheep killed by dogs and report the same to the secretary of the state board of agriculture. This was to be published by him in the annual report of the board.

An act was passed in 1861 authorizing the creation and providing for the regulations of township agricultural societies.

In 1864 provision was made for the permanent support of the board of agriculture by an appropriation of \$3300. The act authorizing this recites in its preamble the fact that previous acts passed in 1847, 1856, and 1862 had virtually taken from the state board of agriculture the funds arising from show licenses and escheated estates, and made necessary a larger appropriation from the general revenue fund of the state. In this same year the secretary of state was authorized to furnish to the state board of agriculture stationery not to exceed two hundred dollars in value.

In 1866 an important law was passed requiring the township assessors to collect the following statistics for publication in the annual report of the state board of agriculture:—

1. The whole number of acres planted in vineyards;
2. The number of acres planted the last year;
3. The number of pounds of grapes gathered the last year;
4. The number of gallons of wine pressed the last year;
5. The number of pounds of wool shorn the last year.

In 1871 the county commissioners were authorized to levy additional tax, not to exceed one-half mill on each dollar of taxable property in the county, for the purchase or lease of county fair grounds. This tax could not be levied, however, until it had been approved by a majority of the electors at a general election in the county.

In 1874 corporations were authorized for "the promotion of agriculture and the mutual benefit and gain of those engaged therein; in the purchase and sale of stock, commodities and articles pertaining thereto, including household necessities and luxuries." This provision in the law was undoubtedly inserted through the efforts of the grange, which was developing great strength at this time.

In 1884 the state board of agriculture was authorized to issue bonds to the extent of not to exceed \$80,000 for state fair ground improvement. In 1888 a law was passed prohibiting the sale of intoxicating liquors within two miles of the place where an agricultural fair was being held. In the same year a law was passed requiring the publication of the commission of fisheries to be included with the annual report of the state board of agriculture.

Reliable forecasts of the weather and statistics of crop conditions while of general interest are, for obvious reasons, of especial value to farmers. A meteorological bureau was established by law in 1882. Ten years later this was merged into a "weather and crop service" and placed under the supervision of the state board of agriculture, which was authorized to appoint a director and assistants to have charge of the work. One or more volunteer stations were to be established in each county to report weather and crop conditions and monthly reports were tabulated by the director and published by authority of the board.

As years passed and the primitive richness of the soil was gradually diminished, and, in some instances,

almost exhausted, attention was directed to the value and importance of fertilizers. Those produced on the farm were found inadequate and commercial fertilizers began to find a ready market. To protect the farmers who purchased these a law was enacted April 27, 1893, which provided for the inspection of commercial fertilizers and required manufacturers or agents to pay annually a license fee of twenty dollars to the secretary of the state board of agriculture. By subsequent amendment and revision the provisions of this act have been extended and strengthened.

Provision was made for the regulation of veterinary medicine and surgery by an act passed May 24, 1894. It required examination of veterinarians and created a state board of veterinary examiners to be appointed by the state board of agriculture.

No agency perhaps has done more to encourage among the farmers of Ohio an intelligent interest in their work than the interchange of views and the presentation, by those qualified to give it, of the latest and best information on practical and scientific agriculture in farmers' institutes. This work was systematized and greatly extended by the enactment on April 26, 1896, of a law "providing for the organization and support of farmers' institutes." These voluntary local meetings were organized under regulations prescribed by the state board of agriculture, which furnished at least two lecturers for each institute. Provision was made for the publication of such of the lectures as were deemed of general interest. This act was afterward improved by amendments. The present law places the management of these institutes under the trustees of the Ohio State University, where they will doubtless become a most important agency for the extension of the work of the agricultural college of that institution.

On April 25, 1898, a law was passed authorizing county commissioners to levy a tax of not to exceed one-tenth of one mill on all taxable property of the county for the purpose of raising not to exceed \$1000 for the support of the county fair. On January 13th of this same year the term of members of the state board of agriculture was changed from two years to five years and two were elected each year.

On April 23, 1902, a law was passed making more specific provisions in regard to the organization of the state board of agriculture. On May 6th of the same year a law was enacted making the state board of agriculture the board of live stock commissioners and specifying their duties as such. These are set forth at considerable length and provision is made for co-operation with the agricultural department of the general government.

The introduction into the state of the San Jose scale and other orchard pests led to legislation to prevent their ravages. On April 14, 1900, an act was passed to stay the progress of these insects. The work of nursery and orchard inspection was first assigned to the board of control of the Ohio experiment station, but the General Assembly, on May 10, 1902, transferred it to the state board of agriculture.

On July 30, 1908, a law was enacted authorizing the levy of a tax of not to exceed one-tenth of one mill on all the taxable property of the county for the support of agricultural fairs. On May 1st of the same year a very important law was enacted changing entirely the method of choosing the members of the state board of agriculture. Prior to this time, as we have seen, these officers were chosen by representatives of the agricultural societies of the different counties. The difficulty in the enforcement of the fertilizer inspection laws and a decision by the supreme court that the members of the state board of agriculture as then constituted were not state officers

within the meaning of the law led to this important change. The new law provided for the appointment by the governor of ten persons who should constitute "The Ohio State Board of Agriculture." These were to be appointed two for one, two, three, four, and five years respectively, and thereafter two each year to serve for a term of five years. The law continued the meeting of the representatives of the agricultural societies of the different counties of the state, and authorized them annually to recommend two persons to the governor for appointment on the state board of agriculture. The governor was required to appoint the two persons so recommended or two others in their stead. These recommendations were at first followed by the governor but later he exercised his authority in making selections of his own without regard to such recommendation.

On April 21, 1904, the governor approved an act providing for the inspection of apiaries by a bee keeper appointed by the county commissioners of any county in which a petition was presented charging that apiaries within the county were diseased. A penalty was prescribed when the owner of such apiary failed to comply with the requirements of the law. The act was amended in 1906 and a tax levy was authorized upon all colonies of bees within any county of the state to pay the expenses of inspection. It was still further amended in 1910 by the creation of a division of apiary inspection and the transfer of this work to the state board of agriculture.

On April 8th of the same year an act was approved authorizing the collection and dissemination, by the state board of agriculture, of statistics relative to agricultural labor, uncultivated lands, undeveloped resources and decrease of rural population.

On June 8, 1911, an act was passed materially amending the nursery and orchard inspection laws and giving

the state board of agriculture larger powers in regard to such inspection.

On May 3, 1913, the governor approved an act radically changing the organization of the agricultural activities conducted by the state government. This law provided for an agricultural commission of four members with salaries of five thousand dollars each. Three of these were to be appointed by the governor and the fourth by the trustees of the Ohio State University. The governor was to serve ex-officio as fifth member. This commission was "to succeed to and be in possession of, the rights, authorities, and powers, previously exercised by the state board of agriculture, the secretary of the state board of agriculture, the board of live stock commissioners, the fish and game commission, and the board of veterinary examiners." A portion of the duties previously devolving upon the state board of pharmacy was also transferred to the agricultural commission, and it was authorized to supervise the agricultural extension work of the Ohio State University.

This very important law remained in effect until superseded by the Smith-Mallow act, creating the "Board of Agriculture of Ohio", the McFarland act, re-establishing under a separate board the Ohio experiment station, and the Hake act, which transferred to the Ohio State University the work of the farmers' institutes of the state.

DEPARTMENTS WHOLLY OR IN PART MERGED INTO THE BOARD OF AGRICULTURE OF OHIO.

Dairy and Food Commissioner.

This office was established in 1886. His duties are to enforce the laws against fraud, adulteration or impurities in food, drinks or drugs. In 1913 the duties as to liquor

inspection were transferred to the state liquor license board and all other duties were assumed by the agricultural commission. With the creation of the latter the dairy and food commissioner became a subordinate appointee. He now sustains the same relations to the state board of agriculture.

Board of Pharmacy.

This board was established in 1884, and consists of five members appointed by the governor for a term of five years. The board is required to hold at least three examinations each year. Applicants for certificates as pharmacists must be not less than 21 years of age and have four years' experience in a drug store, and for assistant pharmacists be 18 years of age and have two years' experience. Certificates granted are for three years. This board has been relieved of cocaine inspection and the enforcement of the laws relating to the practice of pharmacy. In 1913 these duties were conferred on the Agricultural Commission. In 1915 they were transferred to the board of agriculture.

Fish and Game Commission.

This board was established in 1886 and consisted of five members appointed by the governor for five years. They were required to operate fish hatcheries and restock streams and lakes with valuable fish and protect and propagate fish, game and song birds. The commission had jurisdiction of Lake Erie within the Ohio boundary line. The commission was abolished in 1913 and the duties were assumed by the agricultural commission. They are now administered by the board of agriculture.

OHIO STATE UNIVERSITY.

College of Agriculture and Domestic Science.

The Ohio State University is an evolution of the Ohio Agricultural and Mechanical College, which was created by an act of the General Assembly bearing date of March 22, 1870. This act was passed in order that the state might come into possession of moneys accruing to its credit from the federal government. At the same session of the legislature a law was passed "authorizing any county in the state so desiring, by vote of its electors, to issue bonds and give the proceeds to the college as a donation to secure its location within the county." The commission appointed to locate the college considered various offers from counties, ranging from \$200,000 to \$400,000, and finally accepted the proposition of Franklin County, which had offered \$300,000. A site was purchased October 13, 1870, for \$117,508.

In 1874 the number of the members of the board of trustees was reduced to five. It was increased in 1877 to one for each congressional district and again reduced in 1878 to seven members, appointed by the governor so that the term of one would expire each year for seven years. Their successors were appointed for a term of seven years.

The name of the institution was changed in 1878 to Ohio State University, and the department of agriculture became the College of Agriculture and Domestic Science. From this college is now directed the work of agricultural extension, including the direction and management of farmers' institutes.

OHIO AGRICULTURAL EXPERIMENT STATION.

The Ohio agricultural experiment station was created by an act of the general assembly April 17, 1882, and its administration was placed under the direction of a board of control of three members. The station was located at first on the grounds of the Ohio State University. In 1892 it was moved to Wooster where it was permanently located. The number of members of the board of control was increased to five. In 1913 the station passed under the control of the Agricultural Commission of Ohio. In 1915 the station was again transferred to a board of control of five members.

AGRICULTURE IN THE COMMON SCHOOLS.

A law was approved March 11, 1911, requiring the teaching of agriculture in the common schools of Ohio. Provision was made for the division of the state into four districts and the appointment by the commissioner of common schools of a supervisor for each district to superintend the instruction provided for in this act. The provision for these supervisors has since been repealed. The general assembly at this same session passed a law requiring persons teaching in the common schools of the state to pass examinations in elementary agriculture.

BOARD OF AGRICULTURE OF OHIO.

(Amended S. B. No. 250.)

AN ACT

To create the board of agriculture of Ohio and to prescribe its organization, its powers and its duties; to amend sections 1079 to 1089 inclusive, 1091 to 1136 inclusive, 1136-1, 1137 to 1169 inclusive, 1177-12 to 1177-20 inclusive, 1390, 12757, 1850, 12743, 5782, 12798, 12794, 6336, 7965, 7965-1, 7965-2, 2616, 1391 to 1394 inclusive, 1405, 1411, 1421, 1422, 1423, 1424, 1435, 1437, 1438, 1445, 1446, 1453 to 1455 inclusive, 1460, 485, 2269, 2274, 12521, 12523, 265, 6087 to 6089 inclusive, 6091 and 3357 of the General Code and sections 122 and 123 of an act "to create the agricultural commission of Ohio and to prescribe its organization, its powers and its duties," approved May 3, 1913 (O. L. 103, p. 340.)

Be it enacted by the General Assembly of the State of Ohio :

SECTION 1. That sections 1079 to 1089 inclusive, 1091 to 1136 inclusive, 1136-1, 1137 to 1169 inclusive, 1177-12 to 1177-20 inclusive, 1390, 12757, 1850, 12743, 5782, 12794, 6336, 7965, 7965-1, 7965-2, 2616, 1391 to 1394 inclusive, 1405, 1411, 1421, 1422, 1423, 1424, 1435, 1437, 1438, 1445, 1453 to 1455 inclusive, 1460, 485, 2269, 2274, 12521, 12523, 265, of the General Code, and sections 122 and 123 of an act "to create the agricultural commission of Ohio and to prescribe its organization, its powers and its duties" approved May 3, 1913, (O. L. 103, p. 340), be amended, and supplemental section 1149-1 be added to read as follows:

SEC. 1079. There shall be a board of agriculture of Ohio and by that name the board may sue and be sued.

The board of agriculture shall consist of ten members to be appointed by the Governor with the advice and consent of the Senate, two to serve for one year, two for two years, two for three years, two for four years and two for five years, and until their successors are appointed and qualified; and thereafter two members shall be appointed each year to serve for a term of five years, commencing on the first Thursday after the second Monday in January. Vacancies shall be filled in the same manner for unexpired terms. Not more than five of the members of the board shall at any time be of the same political party, and not less than six such members shall be practical farmers.*

SEC. 1080. Before entering upon the discharge of his office each member of the board of agriculture shall subscribe to an oath of office which oath in writing shall be filed in the office of the secretary of state.

SEC. 1081. Each member of the board of agriculture of Ohio shall serve without compensation, but he shall be paid his necessary expenses while engaged in the discharge of his official duties.

SEC. 1083. Immediately following the appointments of the members of the board of agriculture of Ohio, and annually on the first Thursday after the second Monday in January thereafter, the members of the board shall meet at their office and elect a president who shall serve for one year and until his successor is elected.*

SEC. 1084. Six members of the board of agriculture shall constitute a quorum to transact business. A vacancy on the board shall not impair the right of the remaining members to exercise all the powers of the board so long as the membership of the board is not reduced by such vacancy to less than a quorum.

SEC. 1085. Any investigation, inquiry or hearing, which the board of agriculture is empowered by law to

* As amended and filed with the secretary of state June 5, 1915, (O. L. v. 106, p. 555).

hold or undertake may be held or undertaken by or before any one member of the board of agriculture or before any member or members of the board of agriculture. All investigations, inquiries, hearings, decisions and orders made by any one or any two members of the board shall when approved and confirmed by the board of agriculture be deemed to be the order of the board of agriculture. All matters of general policy shall be decided by a majority of the board.

SEC. 1086. The board of agriculture shall maintain its office in the state capitol in the city of Columbus and shall provide a suitable room or rooms, necessary office furniture, stationery, books, periodicals, maps, instruments and other necessary supplies. The board of agriculture may hold sessions at any place within the state. The necessary expense shall be audited and paid as other expenses are audited and paid.

SEC. 1087. The board of agriculture is authorized to elect a secretary who shall be the chief executive officer of the board. His annual salary shall be four thousand dollars, and he shall give bond with sureties approved by the board in the sum of ten thousand dollars. The board of agriculture shall appoint heads of bureaus, experts, clerks, stenographers, and other assistants and employes, and said board shall fix their compensation within the limits prescribed by law. The secretary, experts, stenographers and other assistants and employes shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board of agriculture. when itemized and approved by such board.

SEC. 1088. The secretary of the board shall take and subscribe to an oath similar to that of the members of the board, keep full and correct records of all transactions and proceedings of the board of agriculture and perform such other duties as may be required by the board.

SEC. 1089. The board of agriculture of Ohio shall have power and authority to establish bureaus of fair administration; live stock diseases; nursery, orchard and bee inspection; fertilizer, lime, fungicide, insecticide and feed stuffs inspection; sanitary inspection; food inspection; the protection, preservation and propagation of birds, fish and game; the preparation and publication of statistics relating to the work of the board, timely crop reports, and other matters of interest to those engaged in agriculture; chemistry and bacteriology; and it shall have power to establish a state chemical and bacteriological laboratory in which all analyses in connection with law enforcement may be made; and the board is further authorized and empowered to establish such other bureaus and departments as it deems necessary.

SEC. 1091. The board of agriculture may accept and hold on behalf of Ohio any grant, gift, devise, or bequest of money or property made to or for the use of the board or for promoting any part of the public welfare that shall be under the supervision and control of the board. The board of agriculture shall have full power to contract for and carry out the terms and conditions of any devise, grant, gift, or donation that may be made for the purpose of carrying out the objects and purposes of this act.

SEC. 1092. On the first Thursday after the second Monday of January of each year, there shall be a meeting in Columbus of the board of agriculture of Ohio together with the presidents or other authorized delegates of county agricultural societies organized under the laws of the state and conducted under the rules of the board of agriculture and holding fairs as provided by law, for the purpose of deliberation and consultation as to wants, prospects and conditions of agriculture throughout the state. The board of agriculture shall provide a uniform method for the election of the directors and officers of all county and district agricultural societies receiving any support whatso-

ever out of the state or county treasuries and provide general rules and regulations under which such county agricultural societies shall be conducted. At such meeting the reports from county agricultural societies shall be delivered to the board of agriculture.

SEC. 1093. In a county having no agricultural society so organized and conducted, the presidents or a majority of them, of the farmers' institutes of the county holding meetings under the direction of the board of agriculture may choose a representative to such annual meeting, who, upon a proper certificate of his appointment, shall be entitled to all the privileges conferred on representatives from county agricultural societies.

SEC. 1094. The board of agriculture shall hold an annual exhibit of the agricultural and general productive industries of the state, and may make rules for the payment of premiums to exhibitors. The state agricultural fund shall be at the disposal of the board of agriculture for the improvement of the agricultural interests of the state. All moneys derived from the provisions of this act shall be paid to the board of agriculture and by it paid into the state treasury upon the draft of the auditor of state and credited to the agricultural division of the general revenue fund. When escheated property is legally reclaimed by an heir, the state agricultural fund shall be held subject to the payment to the purchaser from the state of so much of the original purchase money as it receives with legal interest to the time of reclamation. The board of agriculture shall have the custody of the land, buildings, and other property at the state fair grounds at Columbus, and shall use the same for agricultural purposes and may permit the use of the same to persons, firms, associations, or corporations for such exposition purposes and under such conditions as the board of agriculture may from time to time prescribe.

SEC. 1095. The board of agriculture may collect and disseminate such information relative to agriculture, agricultural labor, waste and uncultivated land, undeveloped resources and decrease of rural population as it may deem wise for the purpose of promoting agricultural productions within the state.

SEC. 1096. The board of agriculture or the secretary of the board, or authorized representatives may confer and meet with the officers of other states and officers of the United States on any matter pertaining to its official duties.

SEC. 1097. The assessing officers shall furnish to the board of agriculture upon request from it, upon blanks furnished by the board, such information as may be in their possession or may be obtained of them relative to agriculture, agricultural labor, waste and uncultivated lands, undeveloped resources and decrease of rural population, within their respective townships. Such information shall be obtained as nearly as possible by each assessing officer while engaged in the performance of his other official duties. No additional expense shall accrue because of the provisions of this section. The service performed agreeable to this section shall be considered a part of the duties of assessing officers. Each assessing officer before receiving compensation for services rendered shall file with the county auditor a written statement that to the best of his ability he has complied with the provisions of this section.

SEC. 1098. The board of agriculture shall adopt reasonable and proper rules and regulations to govern its proceedings and to regulate the mode and manner of all investigations, inspections and hearings not otherwise specifically provided for.

SEC. 1099. Sessions of the board of agriculture shall stand and be adjourned without further notice thereof on its records. All the proceedings of the board of agricul-

ture shall be shown on its record of proceedings, which shall be a public record, and all voting shall be by calling each member's name by the secretary and each member's vote as cast shall be included in the record of proceedings.

SEC. 1100. The board of agriculture or any member thereof, the secretary and every person appointed by the board to conduct investigations, inquiries or hearings shall, for the purposes contemplated in this act have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

SEC. 1101. To carry out the purpose of the laws which it is required to administer, the board of agriculture, or any member thereof, or any person or persons employed by the board for that purpose, shall, upon demand, have the right to inspect books, accounts, records, and memoranda of any company, firm, corporation, persons, association or co-partnership, subject to the provision of such laws, and to examine under oath, any person, including any officer, agent or employe of any such company, firm, corporation, person, association or co-partnership. Any person, other than a member of such board of agriculture, who shall make such a demand, shall produce his authority to make such inspection.

SEC. 1102. The board of agriculture may require, by order of subpoena, to be served on any company, firm, corporation, person, association or co-partnership in the same manner that a summons is served in a civil action at such time and place as it may designate, the production of any books, accounts, papers or records kept by it in any office or place within or without the state of Ohio, or verified copies in lieu thereof, if the board shall so order, in order that an examination thereof may be made by the board or under their direction. Any such company, firm, corporation, person or co-partnership failing or refusing to comply

with any such order or subpoena, shall, for each day it so fails or refuses, forfeit and pay into the state treasury a sum of not less than fifty dollars (\$50) or more than five hundred dollars (\$500).

SEC. 1103. For the purpose of making any investigation with regard to any company, firm, corporation, person, association or co-partnership,—subject to the provisions of the laws which the board of agriculture is required to administer, the board shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted by law to the board of agriculture and the same powers as a notary public, with regard to the taking of depositions; and all powers given by law to a notary public relative to depositions, are hereby given to such agent. Except in his report to the board of agriculture or when called on to testify in any court or proceedings, any such agent who shall divulge any information acquired by him in respect to the transactions, property or business of any company, firm, corporation, person, association or co-partnership while acting or claiming to act under such order, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), and shall thereafter be disqualified from acting as agent in any other capacity under the appointment or employment of the board of agriculture.

SEC. 1104. The board of agriculture may conduct any number of such investigations, contemporaneously, through different agents, and may delegate to any agent the taking of all testimony bearing upon any investigation or hearing. The decision of the board of agriculture shall be based on its examination of all testimony and records. The recommendations made by an agent shall be advisory only, and shall not preclude the taking of further testimony, if the board of agriculture so orders, nor further investigation.

SEC. 1105. The attorney general shall be the legal adviser of the board of agriculture in all matters relating to its powers and duties and the secretary of state shall furnish to the board such stationery as it requires for the proper discharge of its duties, and blank books necessary to record its transactions.

SEC. 1106. Upon the request of the board of agriculture, the attorney general, or under his direction, the prosecuting attorney of any county, shall aid in any investigation, hearing or trial had under the laws which the board is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such laws, and for the punishment of all violations thereof, arising within the county in which he was elected.

SEC. 1107. On the first day of January, April, July, and October of each year, the board of agriculture shall file with the auditor of state a verified, itemized, quarterly statement of all receipts and expenditures. In its annual report, the board of agriculture shall make a complete statement of its financial transactions.

SEC. 1108. The board of agriculture shall promote and protect the live stock interests of the state, prevent the spread of dangerously infectious and contagious diseases and co-operate with the bureau of animal industry of the United States department of agriculture in such work. The board of agriculture may use all proper means in the prevention of the spread of infectious and contagious diseases among domestic animals and in providing for the extermination of such diseases.

SEC. 1109. The board of agriculture shall appoint a competent veterinarian who shall be known as state veterinarian, and who shall perform the duties prescribed by the board and be subject to its rules and regulations. The veterinarian so appointed shall receive such compensation as the board may fix within the limits of appropriations made by the legislature. In case of an outbreak of disease

among animals, if deemed advisable, the secretary with the approval of the board shall appoint temporarily additional local veterinarians or other persons for special work in connection with its duties, and fix their compensation.

SEC. 1110. Sheriffs and constables in the several counties shall execute all lawful orders of the board of agriculture in such counties, and immediately communicate to the board any notice given them under the provisions of law relating to live stock.

SEC. 1111. In the enforcement of laws relating to the promotion and protection of the live stock industry of the state, and the rules and regulations adopted by the board of agriculture, its authorized officers, agents or employes may enter a building where live stock is housed, a railway car, boat or other conveyance, used in the transportation of live stock, and upon any premises public or private.

SEC. 1112. If a person owns or has in charge an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, he shall give notice of such fact immediately to the board of agriculture, a member thereof, or the sheriff or constable of the proper county. Thereupon, the board of agriculture shall at once cause a proper examination to be made by competent veterinarians of the diseased or infected animals, and, if the disease affecting such animals is found to be dangerously contagious or infectious the board shall order the diseased animals or those which have been exposed to the contagion be strictly quarantined, in charge of such person as the board shall designate, and order any premises or farms where diseased animals are found or have been recently kept to be put in quarantine. No domestic animals shall be brought to or removed from the premises or places so quarantined.

SEC. 1113. All proper and necessary expenses incurred by the board in the quarantine of animals under the provisions herein, relating to the board of agriculture shall

be paid by the state. But such proper and necessary expenses shall not be construed to include the maintenance, feeding and quartering of such animals while in quarantine.

SEC. 1114. If, in order to prevent the spread of any dangerously contagious and infectious disease among the live stock of the state, the board of agriculture deems it necessary to destroy animals affected with or which have been exposed to dangerously contagious or infectious disease it shall determine, through its secretary, what animals shall be killed and appraise or cause them to be appraised by disinterested citizens as provided by law. After being appraised, the board shall, in like manner, cause such animals to be killed and their carcasses disposed of in such manner as it directs, but no animal shall be killed under the provisions of this section until it has been examined by a competent veterinarian in the employ of the board, and the disease with which it is affected or to which it has been exposed adjudged a dangerous and contagious malady.

SEC. 1115. If an animal is killed under the provisions herein relating to the board of agriculture, the compensation to be made for the slaughtered animal shall be computed by the board of agriculture on the basis of the actual value of such animals immediately prior to infection or contagion or at such time as the board may determine.

No compensation, however, shall be made to a person who has brought into this state animals affected with such contagious disease, or from a district in which such contagious disease existed, or who has wilfully concealed the existence of such disease among his stock or on his premises, or who by wilful neglect or purposely has contributed to the spread of such contagion. In case of the destruction of a horse, mule or ass affected with glanders or farcy, no compensation for it shall be made, if it were so diseased when it passed into possession of its owner. In appraising

animals to be killed as hereinbefore provided, the board shall make such additional allowance as it shall deem proper because said animals are pure bred or pedigreed.

SEC. 1116. When approved by the board of agriculture all claims of owners of animals killed under the provisions herein relating to the board shall be paid from funds appropriated by the general assembly for that purpose.

SEC. 1117. Whenever the governor, upon receipt of information from the board of agriculture believes that a dangerous, contagious or infectious disease has become epidemic in certain localities in other states, territories or countries, or that there are conditions which render domestic animals of such infected district liable to convey such diseases, he shall prohibit, by proclamation, the importation of live stock of the kind diseased into the state, except under such regulations as may be prescribed by the board and approved by him.

SEC. 1118. The board of agriculture may accept, on behalf of the state, the rules and regulations prepared by the secretary of agriculture of the United States under authority of an act of congress, and co-operate with the authorities of the United States in the enforcement of their provisions.

SEC. 1119. A person, firm or corporation who fails to comply with the rules of the board of agriculture or to respect its lawful regulations, when notified so to do, shall forfeit and pay not less than fifty dollars nor more than five hundred dollars.

SEC. 1120. Whoever, being a person, firm or corporation, having in his possession or under his control, an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, fails or neglects to give notice of such fact as provided by law, or brings into this state, or sells or disposes of an animal which he knows to be so affected or to have been exposed to a dangerously contagious or infectious disease within

three months after being so exposed, or moves an animal from quarantine if placed in quarantine by the board of agriculture, or moves an animal from a district declared by the board to be infected with a dangerously contagious or infectious disease, or brings into the state from any district declared by the board to be affected with such diseases any animal of the kind so declared to be affected, except under such conditions as the board prescribed, shall be fined not more than five hundred dollars.

SEC. 1121. Whoever sells or otherwise disposes of a horse, mule or ass which he knows or has reason to believe is affected with glanders or farcy or which has been adjudged to be affected by the board of agriculture upon a report made to it by a competent veterinarian in its employ, or secretes such animal or fails to keep it securely isolated from other horses, mules or asses, shall be fined not more than five hundred dollars and shall be liable to any person injured thereby for all damages sustained by reason of such violation. Whoever violates any provisions herein relating to the board of agriculture for the violation of which no penalty has been provided shall be fined not less than fifty dollars nor more than two hundred dollars.

SEC. 1122. The board of agriculture may make such regulations as it deems necessary for the prevention and control of insect pests or plant diseases. The term "nursery stock" as used in the sections herein relating to nursery and orchard inspection, includes trees, shrubs, plants, vines, buds, scions and cuttings commonly grown in nurseries and orchards except greenhouse plants and cuttings thereof, bulbs, flowers, and vegetable plants. The terms "insect pests" and "plant diseases" as used in such section include San Jose scale, peach yellows, black knot and other dangerously injurious insect pests and plant diseases.

SEC. 1123. The board of agriculture shall appoint a competent entomologist as chief inspector and such assist-

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ant inspectors as it deems proper. The board of agriculture shall have charge of the inspection of nurseries, orchards and all other premises. It may investigate, or cause to be investigated, outbreaks of insect pests or plant diseases, cause suitable measures to be taken for their eradication or control, devise, test and demonstrate practical remedies for their suppression, and publish the results of such investigations, together with such other information as it deems necessary.

SEC. 1124. On or before the first day of July of each year, each nurseryman or other person engaged in growing nursery stock for sale within the state, shall file in the office of the board of agriculture an application for the inspection of such nursery stock. Before September 15th of each year or as often as the board of agriculture deems necessary, it shall examine or cause to be examined the nursery stock of each person whose application for inspection has been filed. The failure to file such application or the disposal of uninspected stock by sale or gift shall be a violation of this section. Each nurseryman or other person importing plants or nursery stock from foreign countries shall notify the board of agriculture of such shipment, the date of arrival, nature of the shipment, name and address of the shipper and shall hold such shipment unopened until duly inspected and released by the chief inspector. Such inspection shall be made within four days from the date of arrival of such shipment. The provisions of this section shall not apply to greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants.

SEC. 1125. If, upon examination, the nursery stock and premises of such applicant appear to be free from insect pests and plant diseases, the board of agriculture through the chief inspector, shall before September 15th, issue to the owner or lessee thereof a certificate of inspection valid

for one year from the date, unless revoked, provided there has been received from each applicant, growing five acres or less of nursery stock, the sum of five dollars, and from each applicant growing more than five acres of nursery stock, the sum of ten dollars, and in addition thereto five dollars for each day or fraction thereof required to complete the inspection after the first day. No fee shall be required for the inspection of orchards from which scions or cuttings are sold. If, upon examination, any insect pests or plant diseases are found upon such nursery stock the board of agriculture shall order and enforce such treatment as it deems sufficient. As soon thereafter as the efficiency of treatment can be determined, such nursery stock shall be reinspected upon the owner filing application for the same.

SEC. 1126. Upon written request of the owner of nursery stock for which a certificate of inspection has been issued as provided in section 1125, the board of agriculture shall also issue a certificate of fumigation. When nursery stock is found to be slightly infested with San Jose scale or any insect pest which can be destroyed by fumigation, the board of agriculture may at its discretion, permit the disposal of such stock within the state under official certificate of fumigation, and upon receipt by the nurseryman of the written consent of the purchaser.

SEC. 1127. Annually each agent, or other person engaged in the sale or delivery of nursery stock within this state, who is the authorized representative of any nursery or dealer in nursery stock, shall file in the office of the board of agriculture, a statement, under oath that such stock was received by him accompanied with a valid certificate of inspection or fumigation. He shall submit proper credentials from the nurseryman or dealer represented and obtain an agent's license which will be issued upon payment of a fee of one dollar to the board of agri-

culture. Said license shall become invalid on the expiration of the certificate covering the stock sold.

SEC. 1128. Annually each dealer, person or firm engaged in the sale or delivery of nursery stock within the state, who is not the authorized representative of any nurseryman, shall file in the office of the board of agriculture a statement under oath, that such stock will be procured from nurserymen holding valid official certificates of inspection or fumigation. Such statement shall contain the names of nurserymen or the sources from which stock will be procured and the location of the packing or sale of goods from which the stock will be distributed. This statement must be accompanied by a fee of five dollars, upon receipt of which a dealer's certificate shall be issued by the board of agriculture. This certificate may be attached to all shipments of nursery stock made to points within the state, and shall become invalid on September first, following date of issuance. The failure to pay required fees, to file such statements or the delivery of nursery stock after the certificate under which it was received has become invalid shall be a violation of this section.

SEC. 1129. The provision of the preceding section shall not apply to a person engaged in the sale or delivery of stock from a nursery within this state if the owner of such nursery holds a valid certificate of inspection and such stock is delivered direct from the nursery to the grower in the original package.

SEC. 1130. If a nurseryman or other person within the state ships or delivers any nursery stock except for scientific purposes, he shall place upon each car load, box, bale, or package, a copy of his certificate, issued by the board of agriculture that such stock is apparently free from insect pests and plant diseases, or a copy of a certificate of fumigation, issued by the board of agriculture, stating that such stock has been fumigated under the supervision of the board of agriculture. Changing or defacing a certifi-

cate, placing it upon uncertified stock or using it after the date of its expiration or revocation shall be a violation of this section.

SEC. 1131. Each car, package or box containing nursery stock shipped or conveyed into this state shall be plainly labeled on the outside with the names of the consignor and consignee, and be accompanied with a certificate that the contents thereof have been inspected or fumigated by a duly authorized state or government officer, and that the stock therein contained is apparently free from insect pests or plant diseases.

SEC. 1132. The certificate accompanying nursery stock shipped or conveyed into the state shall be prima facie evidence of the fact therein stated; but if the board of agriculture has reason to believe that such stock is infested or infected, it may cause it to be examined and for such purpose may enter any car, depot, warehouse, or other structure containing such nursery stock. If found to be infested or infected with insect pests or plant diseases, it shall be seized and the shipper thereof be notified to remove it from the state. If it be not removed within ten days from seizure it may be destroyed.

SEC. 1133. If a nursery stock is shipped or conveyed into this state without such certificate of inspection or fumigation affixed to the outside of the package, box or car containing it, the railroad, express or steamboat company, or person carrying such stock, shall report such fact within twenty-four hours to the board of agriculture. No such stock shall be delivered until it has been examined by the board of agriculture and certified to be apparently free from insect pests or plant diseases. The failure by an agent, common carrier or other person to give such notice as herein required shall be a violation of this section.

SEC. 1134. Upon the application of a nurseryman or other person for inspection as provided in section 1125 or

upon the written request of a freeholder or lessee resident of this state, the board of agriculture shall cause nursery stock and premises of the applicant or petitioner and all premises in dangerous proximity thereto, to be examined. In the prosecution of official duties the board of agriculture may enter within reasonable hours upon any premises or into any building containing nursery stock. If an examination discloses the presence of insect pests or plant diseases, the board of agriculture shall notify the owner or lessee of the premises of such fact by mailing a notice to his usual postoffice address. The notice shall specify the nursery stock to which treatment shall be applied and the time within which the order of the board of agriculture must be complied with. If the owner of such nursery stock fails to apply such treatment in a satisfactory manner and within the time specified, such treatment may be given under the direction of the board of agriculture, and the costs thereof certified to the auditor of the county in which the property is located. The costs so certified shall be a lien on such premises, be collected by the county treasurer as taxes and paid to the board of agriculture.

SEC. 1135. If the board of agriculture orders growing nursery stock to be destroyed, and the owner fails for ten days after notice to comply with the order, the board of agriculture shall commence an action without delay in the probate court of the county in which it is located by filing an affidavit setting forth that such stock is infested with insect pests or plant diseases, a description of the premises whereon it is located, the name of the owner or lessee thereof, and the names of all persons having an interest in such premises or nursery stock. In case of nursery stock the affidavit shall also state the name of the person, firm or corporation in whose possession it was found, that ten days have elapsed since an order was made for its destruction and that such order has not been obeyed.

SEC. 1136. Upon the filing of the affidavit provided for in section 1136-1, the probate judge shall issue a summons for the persons named therein, designating a time to make answer to such complaint, not exceeding five days from the date of the summons. The summons shall be directed to and served by the sheriff of the county, may be served by him in any county of the state, and shall be served and returned as directed by the probate court.

SEC. 1136-1. At the time fixed in such summons, if a jury is not waived, the probate court shall order a jury to be drawn, summoned and empaneled as in other civil cases in such court. The state of Ohio shall be plaintiff and the person named in the affidavit shall be defendant; no pleading other than the affidavit shall be required, and the issue shall be whether such nursery stock is infested or infected with insect pests or plant diseases. If the jury finds that the order of the board of agriculture for the destruction of such nursery stock should be obeyed it shall return a verdict for the plaintiff; otherwise, it shall return a verdict for the defendant.

SEC. 1137. If the verdict of the jury is for the plaintiff, the court shall enter judgment against the defendant for costs, cause execution to be issued therefor, and issue an order to the board of agriculture to enforce the order by it made. If the verdict is for the defendant, the action shall be dismissed, the order for the destruction of the property annulled, and the cost ordered paid by the board of agriculture. In taxing and apportioning costs, the probate court shall have the same powers as are conferred by law upon the court of common pleas.

SEC. 1138. Whoever fails or refuses to destroy any nursery stock within ten days after the probate court has issued its order to the board of agriculture, as provided in the preceding section, hinders or obstructs the carrying out of any provision relating to the inspection of nursery stock, or violates any such provisions shall be fined not

less than ten dollars nor more than one hundred dollars for the first offense and not less than fifty dollars nor more than three hundred dollars for any subsequent offense, and be committed until such fine and costs of prosecution are paid.

SEC. 1139. The probate court of each county shall have original and final jurisdiction in prosecutions under the provisions herein relating to the inspection of nursery stock. Such court shall be opened at all times for such purposes regardless of the terms fixed therein for the trial of criminal cases, and the complainant shall not be required to give security for costs. The prosecuting attorney of each county, or the attorney general shall conduct such prosecutions and all fines recovered therein shall be paid to the board of agriculture.

SEC. 1140. All moneys derived from the provisions of sections 1122 to 1140 inclusive of the General Code shall be paid to the board of agriculture and by it deposited in the state treasury to the credit of the agricultural fund, and to be expended in promoting and protecting the horticultural interests of the state. The board of agriculture shall make an annual report to the governor of the operations of the division of nursery and orchard inspection. The report shall state the number of nurseries inspected, the number of certificates issued, the number of trees treated, and number destroyed and such other information as it deems proper.

SEC. 1141. Whoever sells or offers for sale within this state any feed stuffs or condimental stock or poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles, for any of which any food value is claimed in any manner by the manufacturer or seller thereof, in car load lots or in bulk packages thereof, shall furnish with each car load or quantity in bulk or package thereof or affix to each bag, barrel or other package thereof, in a conspicuous place on the outside thereof, a plainly printed

certificate, which shall state the number of net pounds in each car or quantity in bulk or in each package, the name brand, or trade mark, under which it is sold or offered for sale, the name, and postoffice address of the manufacturer, shipper or vendor, and the names of each and all ingredients of which the article is composed. Such certificate shall contain also, a chemical analysis of the product to be sold which shall state the minimum percentage of crude protein, allowing one per cent of nitrogen to equal six and one-fourth per cent of protein of crude fat and crude fibre, also the maximum percentage of crude fibre of the product to be sold.

SEC. 1142. Before selling or offering for sale, any of the feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles defined in section 1141 within this state, each person, firm or corporation shall file for each and every brand of such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, a distinguishing name with the board of agriculture and a certified copy of the certificate required by the preceding section and forward prepaid, on request of said board a sealed glass jar or bottle containing not less than one pound of such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles with an affidavit that the quantity so forwarded is a fair sample of the product to be sold.

SEC. 1143. Before selling or offering for sale within this state any of such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles, defined in section 1141 a person, firm or corporation manufacturing or compounding said articles, and selling or offering them for sale, either directly or indirectly in this state, shall pay each year a license fee to the board of agriculture for the sale of each brand of feed stuffs, condimental stock and poultry

feeds, animal or poultry regulators, conditioners, tonics or similar articles, twenty dollars. The board of agriculture may reject any application for license if the certificate provided for in the preceding sections is misleading or not distinguishing. Upon the granting of such application and the payment of such fee said board shall issue a license for the current year. All licenses shall expire on the thirty-first day of December of each year. The payment of a license fee by such person, firm or corporation shall exempt an agent thereof, or dealer therein, from the requirements of this section; but until such license fee, which shall be the full license fee collected by the state for the privilege of selling or offering for sale any of the said brands in any one year, any person, firm or corporation selling or offering the same for sale shall be liable to the board of agriculture for said license fee of twenty dollars.

SEC. 1144. "Feed stuffs" in general shall be held to include all feeds used for live stock and poultry, and the following and similar articles of commerce: linseed meal, linseed oil cake, cotton seed meal, cotton seed cake, pea meal, cocoanut meal, rice meal, rice bran, rice polish, peanut meal, bean meal, gluten meal, gluten feeds, dried brewers' grains, dried distillers' grains, dried beet refuse, malt sprouts, hominy feeds, ceraline feeds, oat feeds, mixed feeds, alfalfa meal, molasses feeds, sugar feeds, mixed buckwheat bran, buckwheat hulls, and buckwheat middlings, corn and corncob meal, crushed ear corn, corn bran and corn siftings when added to other ground grains, wheat bran and screenings, ground or unground mixed feeds made from seeds or grains or grain offal, clover meals, dried blood, blood meal, tankage, ground beef or fish scraps or other animal or vegetable by-products; but such term shall not include hay, straw, whole seeds, unmixed meals made directly from the entire grains of wheat, rye, barley, Indian corn, buckwheat, broom

corn, pure wheat bran or middlings, not mixed with other substances, when sold separately as distinct articles of commerce, nor entire grains of corn, oats, wheat, barley, buckwheat, ground together nor wheat bran and middlings not mixed with other substances.

SEC. 1145. Each year at least one analysis shall be made of each brand of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, sold within this state. All such analyses shall be made under the direction of the board of agriculture, and the expenses thereof paid by said board from a fund arising from payment of license fees provided for in section 1143.

SEC. 1146. For the purpose of analysis and comparison with the certificate deposited with it and with the certificate on any car load quantity in bulk, or package, the board of agriculture, or a person appointed by it, may take a quantity not exceeding two pounds from any car load, quantity in bulk or package of the feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles defined in section 1141 and exposed or offered for sale within this state, or in the possession of an agent, consumer or transportation company. In the performance of this duty said board, or a person appointed by it, may enter a car, warehouse, building or other structure containing such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles. Any manufacturer, shipper, dealer, agent, clerk or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent a duly authorized person from collecting samples as above described or otherwise shall be guilty of a misdemeanor shall upon conviction, be fined not less than ten dollars nor more than fifty dollars. To have in one's possession any of the above named articles

shall for purposes of prosecution under this act be deemed to establish prima facie evidence that same is for sale.

SEC. 1147. Whoever sells or offers for sale within the state feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, defined in section 1141 without having complied with the provisions of this act, relating to such feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles, and whoever sells or offers or exposes for sale any feed stuffs containing a smaller percentage of crude protein, and a smaller percentage of crude fat, or a larger percentage of crude fibre than it is certified to contain, and whoever sells or offers or exposes for sale, any condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles not containing ingredients they are certified to contain shall be fined not less than fifty dollars nor more than two hundred dollars and shall be liable for damages sustained by the purchasers thereof.

SEC. 1148. That for the purpose of this act feeding material should be deemed adulterated if it contains any sawdust, dirt, damaged feed, rice hulls, chaff, peanut shells, crushed corncob, oat hulls, or any foreign material whatever with little or no feeding value admixed. Provided, that no wholesome mixture of feed stuffs not containing any of the above named adulterants shall be deemed to be adulterated if the ingredients composing same be plainly and clearly stated on the package and is made known to the purchaser, as hereinafter designated as commercial feed stuffs.

SEC. 1149. In all prosecutions under this act, a justice of the peace, police judge or mayor shall have final jurisdiction as in cases of violation of laws relating to the adulteration of feed and drink and dairy products.

It shall be the duty of the board of agriculture or its deputized representative to bring prosecution for all vio-

lations under the provisions of this act, or the attorney general when requested to do so by said board.

SEC. 1149-1. The board of agriculture shall make an annual report of, and may publish from time to time analysis made and chemists' finding of ingredients on samples drawn as provided in section 1146 together with the analysis and ingredients guaranteed by the manufacturer, shipper or person. Such annual report shall contain a statement of moneys received and expended, from license fees collected for the sale of feed stuffs, condimental stock and poultry feeds, animal or poultry regulators, conditioners, tonics or similar articles. Any unexpended balance shall be credited to the agricultural fund.

SEC. 1150. Each person, firm or corporation who manufactures, sells or offers for sale in the state a commercial fertilizer which means any substance for fertilizing or manurial purposes, except barnyard manure, marl, lime and plaster, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed certificate which shall state the number of net pounds contained therein, the name, brand or trade mark, under which it is sold, or offered for sale, the name of the manufacturer, with his or its postoffice address, such certificate shall contain also a chemical analysis which shall state the minimum percentages guaranteed of ammonia, of potash soluble in water, of phosphoric acid in available form, comprising the soluble and reverted, and of insoluble phosphoric acid, the sources of ammonia and the sources of insoluble phosphoric acid. In bone, tankage and basic slag unmixed with other material the phosphoric acid shall be claimed only as total phosphoric acid. In untreated phosphoric rock and other mineral phosphoric materials, the phosphoric acid shall be claimed only as insoluble phosphoric acid. When any commercial fertilizer, sold or offered for sale in this state, contains muck, peat, pulverized leather, hair, ground horn or wool waste or other

materials in such form that the ammonia is largely unavailable, such certificate shall state explicitly such fact.

SEC. 1151. No other form of analysis, and no duplication of terms or the equivalent thereof in other terms shall be used except that the nitrogen equivalent to the ammonia may be stated. No percentages higher than the lowest actually guaranteed shall be affixed to a package printed upon a bag or used in printed matter descriptive of such fertilizer. No false or misleading name, brand or trade mark shall be used in designating a commercial fertilizer or a name, brand or trade mark indicating that the essential ingredients thereof were obtained from bone or animal substance, if the source thereof was wholly or in part a mineral substance. Any material in which the organic matter has been destroyed by heat shall be deemed mineral substance.

SEC. 1152. Before selling or offering for sale any commercial fertilizer within this state, each person, firm or corporation shall file with the board of agriculture a certified copy of the certificate required in section 1150 of the General Code.

SEC. 1153. No commercial fertilizer shall be sold or offered for sale if the percentage of any ingredient, or element or constituent is less than the minimum percentage claimed or guaranteed; provided that there may be a deficiency of six per cent of the amount claimed in any one ingredient before evidence of fraudulent intent shall be presumed; if there is a corresponding excess in the other ingredients claimed on the basis of the following equivalents in value: One part of ammonia shall be deemed equivalent to three parts of available phosphoric acid; one part of ammonia shall be deemed equivalent to three parts of potash; one part of ammonia shall be deemed equivalent to six parts of insoluble phosphoric acid from animal matter; one part of ammonia shall be deemed equivalent to twelve parts of insoluble phosphoric acid

from mixed animal and mineral matter; in bone or tankage one part of ammonia shall be deemed equivalent to five parts of total phosphoric acid.

SEC. 1154. Before selling or offering for sale within this state a commercial fertilizer, a person, firm or corporation shall pay each year a license fee to the board of agriculture for the sale of each brand thereof thirty dollars. Upon application and payment of such fee, the board shall issue a license for the current year. All licenses shall expire on the 31st day of December of each year. The payment of such license fee by a person, firm or corporation shall exempt an agent thereof from the requirements of this section.

SEC. 1155. Each year at least one analysis shall be made of each brand of commercial fertilizer sold within this state. All such analyses shall be made under the direction of the board of agriculture and the expense thereof paid by the board, from a fund arising from the payment of license fees provided for in the preceding section. The board shall publish such analyses annually, and at such other times and in such form as it may deem proper.

SEC. 1156. For the purpose of analysis and comparison with the certificate deposited with it and with the certificate on such package the board of agriculture, or a person appointed by it, shall take a quantity of not less than one pound and not exceeding two pounds, from packages of commercial fertilizer exposed or offered for sale within this state or in the possession of a dealer, consumer or transportation company. Such sample shall be taken from at least five per cent of the sacks or other packages comprising the whole lot sampled. If there are less than one hundred sacks in the lot sampled, samples shall be taken from not less than five sacks; if there are less than five sacks in the lot sampled, samples shall be taken from each sack.

SEC. 1157. Any person not a dealer in or agent for a fertilizer who purchases a commercial fertilizer in this state for his own use, and not for sale, may have an analysis thereof made under the direction of the board of agriculture.

SEC. 1158. A sample for such analysis shall be taken by the purchaser in the presence of the person, firm or agent selling the fertilizer, from at least ten per cent of the sacks or other packages comprising the whole lot purchased. If there are less than one hundred sacks in the lot purchased, samples shall be taken from not less than ten sacks; and if there are less than ten sacks in the lot purchased, samples shall be taken from each sack, and all such samples shall be taken in the manner required by the board of agriculture. If the person, firm or agent refuses to witness the taking thereof, the samples may be taken in the manner prescribed in the presence of two disinterested witnesses, who shall certify to the manner of taking such samples.

SEC. 1159. The samples shall be taken at the time and place of delivery to the purchaser, from dry, undamaged goods, and from packages not theretofore opened, broken or resacked and thoroughly mixed. At least two pounds thereof must be put into two cans or jars, marked to identify it and to show by whom sent, and shall be securely sealed and forwarded by express, all charges prepaid to the board of agriculture together with the printed certificate from one of the bags or packages so sampled with the name and address of person or firm from whom the fertilizer was purchased and the amount purchased, accompanied by a fee of one dollar for each element for which analysis is asked.

SEC. 1160. The purchaser shall also send with the sample a certificate signed by himself and two disinterested witnesses that the sender has purchased the fertilizer for his own use and not for sale, and that the sample was

taken in the manner prescribed in section 1158 and 1159 of the General Code.

SEC. 1161. If a sample shall have been submitted for analysis without complying with the requirements of the preceding sections, the board of agriculture in its discretion may accept such sample for analysis if it believes it is a fair sample of the fertilizer delivered to the purchaser.

SEC. 1162. The board of agriculture and such assistants, agents, experts and chemists, as it may duly authorize for the purpose, shall have the power to open any package or vessel containing or supposed to contain any commercial fertilizer, and take therefrom samples for analysis upon tendering the value of said samples.

SEC. 1163. Whoever sells, offers for sale, or keeps for the purpose of selling within this state, a commercial fertilizer without complying with the provisions of this chapter relating to commercial fertilizers, or permits an analysis to be attached to any package thereof, stating that it contains a larger percentage of any constituent thereof than it does in fact contain, except as provided in section 1153 of the General Code, shall be fined not less than fifty dollars nor more than two hundred dollars for a first offense, and for a subsequent offense not less than two hundred dollars, nor more than five hundred dollars or imprisoned not more than six months or both. The possession of commercial fertilizers, except by a person who has the same for his private use, without complying with the provisions of this chapter relating to commercial fertilizers, in any building, room, railroad car, store, storeroom, warehouse or other place within this state shall be prima facie evidence of keeping of the same for the purpose of selling. In all prosecutions under this act, a justice of the peace, police judge or mayor, shall have final jurisdiction as in cases of violation of laws relating to the adulteration of food and drink and dairy products. The board of agriculture shall rest its prosecution under this

act on samples drawn, as provided in section 1156 of the General Code.

SEC. 1164. The board of agriculture shall, when notified in writing by the owner of an apiary, or by any three disinterested taxpayers, examine all reported apiaries, and all others in the same locality not reported, and ascertain whether or not the disease known as American foul brood or European foul brood, or any other disease which is infectious or contagious in its nature, and injurious to honey bees in their egg, larval, pupal or adult stages exist in such apiaries; and if satisfied of the existence of any such disease it shall give the owners or caretakers of the diseased apiaries full instructions how to treat such cases as in the inspector's judgment seems best.

SEC. 1165. The board of agriculture shall visit all diseased apiaries a second time, after ten days, and, if need be, burn all colonies of bees that it may find not cured of such diseases, and all honey and appliances which would spread disease, without recompense to the owner, lessee, or agent thereof.

SEC. 1166. If the owner of an apiary, honey or appliances wherein disease exists shall sell, barter, or give away or move without the consent of the inspector any diseased bees (be they queen or workers), colonies, honey, or appliances, or expose other bees to the danger of such disease, such owner shall on conviction thereof be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

SEC. 1167. For the enforcement of the provisions of this act, the board of agriculture shall have access, ingress and egress to all apiaries or places where bees are kept; and any person or persons who shall resist, impede or hinder in any way the board in the discharge of its duties under the provisions of this act shall, on conviction there-

of, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

SEC. 1168. After inspecting infected hives or fixtures or handling diseased bees, the inspector of the board of agriculture or his assistant shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his own person and clothing and any tools or appliances used by him which have come in contact with infected material, and shall see that any assistant or assistants with him have likewise thoroughly disinfected their persons and clothing and any tools and implements used by them.

SEC. 1169. It shall be the duty of any person in the state of Ohio who is engaged in the rearing of queen bees for sale, to use honey in the making of candy for use in mailing cages which has been boiled for at least thirty minutes. Any such person engaged in the rearing of queen bees shall have this queen rearing apiary or apiaries inspected at least twice each summer season; and on the discovery of the existence of any disease which is infectious or contagious in its nature and injurious to bees in their eggs, larval, pupal or adult stages, such person shall at once cease to ship queen bees from such diseased apiary until the board of agriculture shall declare the said apiary free from all disease. Any person engaged in the rearing of queens who violates the provisions of this section shall, on conviction thereof, be fined not less than one hundred dollars nor more than two hundred dollars.

SEC. 1177-12. The board of agriculture shall enforce the laws against fraud, adulteration or impurities in foods, drinks or drugs, and unlawful labeling within the state. The board of agriculture shall establish standards of quality, purity and strength for foods, when such standards are not otherwise established by any law of this state. Such standard shall conform to the standards for foods

adopted by the United States department of agriculture. The board of agriculture shall make such uniform rules and regulations as may be necessary for the enforcement of the food, drug, dairy and sanitary laws of this state. Such rules and regulations shall, where applicable, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the act of congress, approved June 30, 1906, and amended March 3, 1913, and known as "the food and drug act". The board shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law.

SEC. 1177-13. The board of agriculture, in the performance of its duty may enter a creamery, factory, store, sales-room, drugstore, laboratory or other place where it believes or has reason to believe drugs, food, drink or linseed oil, is made, prepared, dispensed, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof.

SEC. 1177-14. All fines, fees and costs collected under prosecutions begun, or caused to be begun, by the board of agriculture, shall be paid by the court to the board within thirty days after collection, unless error proceedings have been properly begun and prosecuted and in case the judgment of the justice of the peace is sustained the fine shall be paid within thirty days after such judgment or affirmation, and by the board paid into the state treasury to the credit of the general revenue fund.

SEC. 1177-15. If the court fails to so pay such fines, fees and costs, the board of agriculture shall bring suit in the name of the state for the recovery thereof and interest

thereon, and the court in rendering judgment therefor shall add a penalty of ten per cent on the amount found to be due such general revenue fund.

SEC. 1177-16. The board of agriculture shall appoint three men who shall constitute a state board of veterinary examiners, one to be appointed for two years, one for four years and one for six years, and biennially thereafter one shall be appointed to serve for a term of six years. They shall be graduates of reputable, but different, veterinary schools or colleges, and be persons skilled in their profession and of good moral character. They shall conduct examinations for those who wish to engage in the practice of veterinary medicine, surgery and dentistry and issue certificates therefor. Such examinations shall be held in April and July of each year. They shall meet in Columbus in rooms furnished by the board of agriculture, and elect from their number a president. The state veterinarian shall be ex-officio the secretary of the board of veterinary examiners. It shall be the duty of said secretary to keep an accurate record of the business transacted and of the certificates issued. He shall pay into the state treasury, to the credit of the general revenue fund, the fees received from applicants for examination, keep an accurate account of the moneys received and disbursed, and perform such other duties as the board of agriculture may prescribe. It shall also be the duty of the secretary of the state board of examiners to report each violation of the laws relating to the practice of veterinary medicine, veterinary surgery and veterinary dentistry to the prosecuting attorney of the county in which it occurred, and render assistance in securing indictments and convictions.

SEC. 1177-17. Before entering upon the practice of veterinary medicine, surgery and dentistry in this state, each person shall pass an examination as to his qualifications and fitness to engage in such practice. Said examinations shall be conducted by the persons appointed

by the board of agriculture, and shall include veterinary anatomy, veterinary physiology, general pathology, veterinary pathology, materia medica, veterinary therapeutics, principles and practice of veterinary medicine, veterinary surgery, veterinary obstetrics, and the control of contagious disease of domestic animals, meat and milk hygiene, sanitation and veterinary jurisprudence and an average grade of at least seventy per cent with no grade below fifty per cent in any one subject shall be required for passage.

SEC. 1177-18. An applicant for such examination shall be a graduate of a veterinary college recognized by the state board of veterinary examiners before taking the examination. He shall present himself at the office of the board of agriculture at the time when examinations are to be held, and pay five dollars for each examination. The fee shall accompany his written application and be paid to the secretary of the board of agriculture previous to such examination. Any person who within six months after this act becomes effective, submits satisfactory evidence to the state board of veterinary examiners that he was engaged in the practice of veterinary medicine and surgery in this state prior to May 21, 1894, and who pays a fee of \$2.50 to said board, shall be entitled to practice veterinary medicine and surgery in this state and shall receive a certificate from the said board signed by the members thereof, which certificate shall state that the person to whom it was given is legally entitled to practice veterinary medicine and surgery in this state; and no person shall, after six months following the date on which this act becomes effective, practice veterinary medicine and surgery in this state without first having obtained from the state board of veterinary examiners a certificate entitling him to engage in such practice.

SEC. 1177-19. A person who successfully passes an examination before the state board of veterinary examiners

shall receive a certificate signed by them. The certificate shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary medicine, surgery and dentistry. A copy of such certificate shall be recorded by the secretary of the state board of veterinary examiners in a book kept for that purpose, which shall be open to public inspection.

SEC. 112[7]7-20. The certificate of a veterinarian may be revoked by the state board of veterinary examiners for the following reasons:

(1) For failing to report to the chief of the bureau of live stock industry of Ohio dangerously contagious and infectious diseases that are prescribed as such by the board of agriculture.

(2) For dishonesty in applying the tuberculin test in cattle, such as injecting tuberculin within six weeks prior to an official tuberculin test, knowing that application has been made for such official test, or making false record of such test.

(3) Gross malpractice or violation of criminal laws.

A person shall be regarded as practicing veterinary medicine, veterinary surgery or veterinary dentistry within the meaning of this act who uses the words or letters "Dr.", "Doctor", "Professor", "D. V. M.", "M. D.", "D. V. S.", "V. S.", or any other title in connection with his name which in any way represents him as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry in any of its branches, or who examines or diagnosis for a fee or compensation of any kind, prescribes, advises, recommends, administers or dispenses for a fee or compensation of any kind, direct or indirect a drug or medicine, appliance, application, operation or treatment of whatever nature for the cure or relief of a wound, fracture or bodily injury, infirmity or disease of animals. The use of any such words, letters or titles in such connection or under such circumstances as to induce

the belief that the person who uses them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry, shall be prima facie evidence of the intent of such person to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry.

SEC. 1390. The board of agriculture shall have authority and control in all matters pertaining to the protection, preservation and propagation of song and insectivorous birds, game birds, game animals and fish within the state and in and upon the waters thereof. It shall enforce by proper legal action or proceeding the laws of the state for the protection, preservation and propagation of such birds, animals and fish; shall establish fish hatcheries and propagate fish therein or in any other manner for the waters of the state, and, so far as funds are provided therefor, shall adopt and carry into effect such measures as it deems necessary in the performance of its duties.

SEC. 12757. Whoever refuses to allow the board of agriculture, its inspectors or agents, to enter a creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric car or place which he desires to enter in the discharge of his official duty, or interferes with him in such discharge, or refuses to deliver to him a sample of food, drug or linseed oil made, sold, offered for sale by such person, upon request therefor and tender of the value thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in jail not less than thirty days nor more than one hundred days, or both.

SEC. 1850. The board of agriculture, the state board of health, and the Ohio state university respectively, shall co-operate with the board and managing officer of each institution in making such co-operative tests as are neces-

sary to determine the quality, strength and purity of supplies, or the value and use of farm lands, or condition and needs of mechanical equipment.

SEC. 12743. Whoever puts a brand indicating "full milk cheese" upon cheese made of milk from which any of the cream has been taken or uses such brand without having obtained from the board of agriculture in conformity to law, a stencil brand containing the words "Ohio state full cream cheese", or uses such brand upon other than full cream cheese or a package containing such cheese, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days or both.

SEC. 5782. The board of agriculture shall procure and issue to the cheese manufacturers of this state upon proper application made on or before the first day of April of each year and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words, "Ohio state full cream cheese". Such brand shall be used upon the outside of each cheese, cheese-cloth or band around it and upon the box or package containing it, and shall bear a separate number for each factory. Such brand shall not be used upon other than full cream cheese or packages containing it; provided, that no cheese shall be so branded unless it contains at least thirty per cent of pure butter fat. The board shall keep a book in which shall be registered the name, location and number of each manufacturer using such brand, and the name or names of the person in each factory authorized to use it, and he shall receive one dollar for each registration according to the provision of this

section, such fee to be paid by the person applying for such registration.

SEC. 12798. If the board of agriculture or any of its inspectors or agents, is of the opinion that a place named in the section is being operated in violation of such sections he shall notify the proprietor, owner or manager thereof, in writing, to place it in a clean and sanitary condition within a reasonable time to be stated in such notice, which time shall not be less than ten days.

SEC. 12794. The board of agriculture shall enforce the provision of the next four preceding sections.

SEC. 6336. The board of agriculture shall enforce the provisions of this chapter and the penal statutes relating thereto and the board, its assistants, experts, chemists and agents shall have access and ingress to the places of business, stores and buildings used for the sale of paint, turpentine, or linseed oil, and may open any package, can, jar, tub or other receptacle containing an article that may be sold or exposed for sale in violation of such provision or statutes. The inspectors, assistants or chemists, appointed by the board, shall perform like duties and have like authority under this chapter and the penal statutes relating thereto as is provided by law in other cases.

SEC. 7965. The board of agriculture shall be state sealer, and shall make, promulgate and enforce such rules and regulations as may be necessary to the prompt and effective enforcement of the weights and measures laws of this state. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by it kept in suitable cases, to be opened only for the purpose of comparing them with such standards and copies which by law are furnished for the use of the several counties or villages unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The board of agriculture shall, upon

the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the board of agriculture shall condemn and destroy all of such standards as do not conform with the standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand nine hundred and sixty-six of the General Code, except such standards now in their possession as the board of agriculture shall find to conform with the standards adopted by the state. It shall be the duty of the board of agriculture to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the performance of such duties it may use the service of any person employed under its department. The board of agriculture or any person employed by it for that purpose may try and prove any weights, measures, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in sections two thousand and six hundred and sixteen of the General Code.

SEC. 7965-1. The board of agriculture or its deputy, or any other duly authorized sealer of weights and measures or his deputy, may inspect and test any weight, measure, balance or other weighing or measuring device, wherever the same is used or maintained for use, and if such weight, measure, balance or other weighing or measuring device is found to be false or fraudulent, or cannot be made to conform to the legal standard, the same shall be condemned and confiscated by the said sealer or deputy sealer.

SEC. 7965-2. The board of agriculture or any duly authorized sealer of weights and measures or his deputy, shall inspect and test any weights and measures, balances and weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities both as to correctness of weight or quantity and value indicated by them, the board or any sealer of weights and measures or his deputy shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice, in writing, to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed, either as to weight or quantity or value.

SEC. 2616. The county sealer shall compare all weights and measures, brought to him for that purpose, with copies of standards in his possession. When they are made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this state unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the board of agriculture or any employe of the board detailed for that purpose, or by the county sealer or by the sealer of the city or village in which the same is used or maintained, and by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards,

with seals so provided by said board of agriculture, for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge, or mayor shall have jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products.

SEC. 1391. The board of agriculture shall appoint a chief warden and such number of deputy state wardens and special wardens as it deems necessary. The chief warden and each deputy state warden shall hold his office for a term of two years unless sooner removed by the board. Each special warden shall have the same powers and perform the same duties as a deputy state warden.

SEC. 1392. Before entering upon the discharge of the duties of his office, each warden shall give bond to the state; the chief warden in the sum of two thousand dollars, each deputy state warden in the sum of two hundred dollars, and each special warden in the sum of five hundred dollars, with two or more sureties approved by the board of agriculture, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the board and the oath of office indorsed thereon, shall be deposited with the board and kept in its office.

SEC. 1393. The chief warden, special wardens and deputy state wardens shall enforce the provisions of this act and the laws relating to the protection, preservation and propagation of birds, fish and game. Under the direction of the board of agriculture, the chief warden shall visit all parts of the state and direct and assist special wardens and deputy state wardens in the discharge of their duties.

SEC. 1394. The board of agriculture may allow the chief warden, each special warden and each deputy state warden such compensation as it deems proper and his necessary expenses. In addition to the salaries and compensation herein provided, each warden shall be entitled to receive the same fees as sheriffs are allowed for like services in criminal cases. The salaries and expenses of the chief warden and each special warden and the compensation allowed each deputy state warden shall be paid by the state upon the order of the board.

SEC. 1405. If the defendant in a prosecution or condemnation proceeding under the provisions of this act is convicted, judgment shall be rendered against him for the costs in addition to the fine imposed or forfeiture declared. The judgment shall be the first lien upon his property and no exemption shall be claimed or allowed against such lien. If he fails to pay the fine and costs imposed or execution issued is returned unsatisfied, the person convicted shall be committed to the jail of the county or to a workhouse and there confined one day for each dollar of fine and costs adjudged against him. He shall not be discharged therefrom by any board or officer except upon payment of the fine and costs remaining unsatisfied or upon the order of the board of agriculture.

SEC. 1411. The preceding two sections shall not apply to a duly accredited person having a permit issued by order of the board of agriculture authorizing him to collect birds, their nests, and eggs for scientific purposes only. The applicant for a permit shall present to the board the written testimonials of two well-known scientific persons or teachers of science, certifying to the good character and fitness of the applicant and pay the board a fee of five dollars. He shall also give bond to the state in sum of one hundred dollars with two or more sureties approved by the board that he will not kill a bird or take the nests or eggs of a bird for any other purposes than

provided herein, which bond shall be kept in the office of the board. Each permit shall be in force for one year from the date of its issue and shall not be transferable, but upon the forfeiture of a bond of a person, his permit shall become void.

SEC. 1421. No person shall hunt, pursue or kill with a gun any wild bird or wild animal within this state without having first applied for and received a hunter's license and paid the fee, as required herein. Every applicant for a hunter's license who is a non-resident of the state of Ohio and who is a citizen of the United States of America, shall pay a fee of fifteen dollars to the officer issuing the same. Every applicant for hunter's license who is a citizen of the United States of America, and a resident of the state of Ohio, shall pay a fee of one dollar, provided that the owner, tenant or children of the owner, manager or tenant of lands within this state may hunt upon such lands without a hunter's license.

SEC. 1422. Hunter's license shall be issued by the clerks of common pleas courts and township clerks. Every applicant for a hunter's license shall make and subscribe an affidavit, setting forth his name, age, occupation, place of residence, personal description, and citizenship, and the officer authorized to issue licenses may charge each applicant a fee of twenty-five cents for taking such affidavit, issuing such license and attaching his seal of office thereto, and clerks of common pleas courts and township clerks to whom such application is made are hereby empowered and required to administer the oath and to take and certify the affidavit herein required and to collect and receive the fees therefor as herein provided. The application, license and other blanks required by this act shall be prepared and furnished by the board of agriculture and such blanks shall be of different color each year in such form as they may prescribe to the clerk authorized to issue same, and such license shall be issued applicants by

said clerks. The record of licenses kept by said clerk shall be uniform throughout the state and in such form or manner as the state auditor shall prescribe, and be open at all reasonable hours to the inspection of any person. Each such license shall expire on the 31st day of December next after its issuance. The board of agriculture or the court before whom the case is tried as a part of the punishment shall revoke the license of any person or persons convicted of violating any laws for the protection of birds, game birds or game animals, and the license fee paid by such person shall be forfeited to the state and no license shall be granted to such person until the expiration of one year after the date of his conviction. Persons under sixteen years of age shall not be allowed to hunt under the provisions of this act, unless accompanied by their parent or other person in loco parentis.

SEC. 1423. Officers authorized to issue license shall keep a record of such licenses issued and make a report to the board of agriculture quarterly, on March 31st, June 30th, September 30th and December 31st, in such form as said board shall require, of the number of licenses issued together with the names and addresses of the persons to whom issued, and shall transmit with such report to the chairman of the board of agriculture, the moneys received as license fees, other than the amounts paid to clerks as their fees, which shall be paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the board of agriculture in the preservation and protection of birds, game birds, game animals and fish. At least fifty per cent of the money arising from all such licenses shall be expended by the board of agriculture for the purchase and propagation of game birds and game animals to be used in re-stocking sections where a scarcity of such birds exist and for establishing game preserves and the board of agriculture is hereby empowered with the consent of the owners, to organize such lands so

bounded that same may be conspicuously posted as such into state game preserves under rules and regulations to be adopted by the said board, and employ on such preserves a keeper or warden at such salary and with such duties as may be prescribed by the said board. And it shall be unlawful for any person at any time on any such game preserves, conspicuously posted, or with knowledge that the same is a game preserve, to hunt, kill or pursue any game birds or game animals.

SEC. 1424. No hunter's license shall be transferable, and it shall be an offense for any hunter to carry a license issued in the name of another person or which does not contain the seal of the officer issuing the same. Every person shall, while hunting, carry with him his license and exhibit same to any game warden, constable, sheriff, deputy sheriff or police officer, or the owner or person in lawful control of the land upon which he may be hunting, or to any person, and failure and refusal to so carry or exhibit his license shall constitute an offense under this section. Such hunters shall also while hunting wear a badge conspicuously exposed bearing the same number as his license. Nothing in this act shall be construed as allowing any person to hunt on any land without the written consent of the owner thereof.

Each day that any person shall hunt within this state without first having procured the license herein required shall constitute an offense. The license granted hereunder shall entitle a non-resident to take with him from this state, game birds and game animals killed by him not to exceed twenty-five of one kind or twenty-five in the aggregate of all kinds.

SEC. 1424-1. Whoever violates any of the provisions of this act shall be liable to the penalty prescribed by section 1445 of the General Code.

SEC. 1435. No person, firm or corporation shall use or operate for the purpose of catching fish, a boat, net or

device other than hook and line with bait or lure in the Lake Erie fishing district of this state, without a license from the board of agriculture. Applications for licenses and all licenses herein required shall be in such form as the board may prescribe.

SEC. 1437. When a person, firm or corporation applies to the board of agriculture for a license required by the preceding two sections, the board upon receiving the license fees prescribed in such sections, shall issue such license duly signed by the board of agriculture. Such license shall remain in force and entitle the holder thereof to fish as permitted by law from the date of issue to and including the last day of the season for which such license was issued. The license required by the preceding two sections shall be carried by an operator of boats, nets or other devices while being used in the catching of fish, and exhibited on demand to any warden, constable, sheriff, deputy sheriff, police officer or board of agriculture. It shall be unlawful for any licensee having such license in his possession to refuse to exhibit it on demand to any proper officer or member of the board of agriculture.

SEC. 1438. The board of agriculture shall issue to each person licensed to catch fish in the Lake Erie fishing district one metal tag for each net or other device, other than a gill net, or hook and line, used by such licensee for catching fish in such district. No licensee shall use such net or other device, other than a gill net, or hook and line, without attaching such tags thereto in such manner as the board may prescribe. If such tags are not attached to such nets or other devices as herein required, it shall be prima facie evidence that they have not been procured. It shall be unlawful for any one to fish in any of the waters of the Lake Erie fishing district with any trammel net.

SEC. 1445. Whoever violates any provision of sections fourteen hundred and nine to fourteen hundred and forty-

four, both inclusive, shall be fined not less than twenty-five dollars nor more than two hundred dollars, and the costs of prosecution, and upon default of payment of fine and costs shall be committed to the jail of the county or to some workhouse and there confined one day for each dollar of the fine and costs against him. He shall not be discharged or released therefrom by any board or officer except upon payment of the portion of the fine and costs remaining unserved or upon the order of the board of agriculture.

SEC. 1446. No person shall take, catch, or kill fish in any waters, over which the state of Ohio has jurisdiction, by means of quicklime, electricity, or any kind of explosive or poisonous substance, or place or use quicklime, electricity, explosive or poisonous substances in any such waters except for engineering purposes and upon the written permission of the board of agriculture.

SEC. 1453. German carp may be taken or caught at any time in the bays, marshes, estuaries or inlets bordering upon, flowing into or in any manner connected with Lake Erie, with any seine, having meshes not less than four inches, stretched mesh. Other nets or devices may be used if authorized by the board of agriculture. Written permission to catch carp in such waters shall be granted to any person making application to the board for such privilege who satisfies the board that he will not violate a law for the protection of fish. Such permission may be revoked by the board upon conviction of the holder thereof for taking fish contrary to law.

SEC. 1454. Nothing in this chapter shall prevent the board of agriculture, its agents and employes from taking fish at any time or place or in any manner for the maintenance or cultivation of fish in hatcheries or for the purpose of stocking ponds, lakes or rivers, or from exterminating carp in any waters.

SEC. 1455. For the purpose of obtaining spawn for the fish hatcheries, the board of agriculture may place its agents in any boat used in taking fish and pay for such spawn such amount as it may fix. No person engaged in fishing shall refuse to take such agents in such boat owned by him or under his control or to afford them opportunity to take spawn, or to hinder them in the performance of such duty.

SEC. 1460. All fines; penalties and forfeitures arising from prosecutions, convictions, confiscation, or otherwise under this act, unless otherwise directed by the board of agriculture shall be paid by the officer by whom the fine is collected to the board of agriculture and by it paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the board of agriculture. All moneys collected as license on nets in the Lake Erie fishing district under this act shall be paid by the board of agriculture into the state treasury as a special fund to be used in the betterment and maintenance of fish hatcheries in the Lake Erie fishing district and the propagation of fish therein, or in otherwise propagating fish in such district; and for that purpose such fund is hereby appropriated, and shall be paid out upon the order of the board of agriculture, but shall not be used or paid out for any purpose other than the purposes for which such fund is appropriated.

SEC. 485. All lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes, with respect to the enforcement of all laws relating to the protection of birds, fish and game, shall be under the supervision and control of the board of agriculture. All laws for the protection of fish in inland rivers and streams of the state, and all laws for the protection of birds, fish and game, shall apply to all such state reservoirs and lakes.

SEC. 2274. The reports of the secretary of state, auditor of state, attorney general, superintendent of public instruction, superintendent of insurance, state railroad commissioner, board of agriculture, chief inspector of mines, and the commissioner of labor statistics, shall be bound in muslin. The reports of other state officers and boards, and of the benevolent and correctional institutions, shall be bound in brochure covers, unless otherwise ordered by the general assembly.

SEC. 12521. Whoever disturbs, injures or destroys a tree, plant, lawn, embankment, decoration or other property, or kills, injures or disturbs a water fowl, water animal, bird or game kept as a semi-domestic pet upon an island or within the boundary lines of Buckeye lake, Indian lake or Portage lake, or an embankment or state lands adjacent thereto, shall be fined not less than twenty-five dollars nor more than two hundred dollars and imprisoned one day for each dollar of fine and costs until paid or he is discharged upon the order of the board of agriculture.

SEC. 12523. Whoever traps or hunts upon lands, pond, lakes or private waters of another, except water claimed by riparian right of ownership in adjacent lands, or thereon shoots, shoots at, catches, kills, injures or pursues a bird, wild fowl or wild animal without obtaining written permission from the owner or his authorized agent, shall be fined not less than ten dollars nor more than fifteen dollars, and, for each subsequent offense, shall be fined not less than fifteen dollars nor more than fifty dollars. In default of payment of such fine and costs, he shall be committed to the jail of the county or to a workhouse and there confined one day for each dollar of such fine and costs. He shall not be discharged therefrom except upon payment of the portion of the fine and costs remaining unsatisfied, or upon the order of the board of agriculture.

SEC. 265. Upon receiving from the county auditors the reports required of them showing the number of sheep killed or injured by dogs, the loss sustained by reason thereof, the amount paid thereon by the county, and the balance of the fund for that purpose, the auditor of state shall prepare and furnish the board of agriculture a statement embodying the information so received and presented by counties, for publication in the annual report of the board.

SEC. 1177-21. The board of agriculture shall keep a record of its acts and investigations, and shall make an annual report to the governor giving the results of its activities with such recommendations as it may deem proper. The board of agriculture may also publish and distribute bulletins from time to time on matters of general interest relating to the work of the board.

SEC. 123. Each section of this act, and every part thereof is hereby declared to be an independent section and part of section, and if any section or part of a section is void or ineffective for any cause it shall not affect any other section or part of a section of this act.

SECTION 2. (G. C. 1082). The board of agriculture shall succeed to and be possessed of the rights, authority and power now exercised by the agricultural commission, unless otherwise specifically provided by law. It shall also succeed to and be in control of all records, land, moneys, appropriations and other property, real or personal now or hereafter held for the benefit of said agricultural commission: Provided, however, that the records, lands, moneys, appropriations and other property, belonging to the experiment station and the division of forestry and experiment farms shall be transferred to the board of control of the experiment station; and provided further that all books, records and other property belonging to or in the custody of the division of farmers' institutes shall be

transferred with this division to the trustees of the Ohio state university.

SECTION 3. That said original sections 1079 to 1089 inclusive, 1091 to 1136 inclusive, 1136-1, 1137 to 1169 inclusive, 1177-12 to 1177-20 inclusive, 1390, 12757, 1850, 12743, 5782, 12798, 12794, 6336, 7965, 7965-1, 7965-2, 2616, 1391 to 1394 inclusive, 1405, 1411, 1421, 1422, 1423, 1424, 1435, 1437, 1438, 1445, 1446, 1453, to 1455 inclusive, 1460, 485, 2269, 2274, 12521, 12523, 265 and section 1090 of the General Code, sections 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1136-a, 1137 and 1138 as amended by an act passed April 15th, 1913 and approved May 7th, 1913, (103 O. L. 515), and sections 122 and 123 of an act "to create the agricultural commission of Ohio and to prescribe its organization, its powers and its duties" approved May 3d, 1913, (O. L. 103, p. 240), be and the same are hereby repealed.

CHARLES D. CONOVER,

Speaker of the House of Representatives.

JOHN H. ARNOLD,

President of the Senate.

Passed April 21, 1915.

Approved April 21, 1915.

FRANK B. WILLIS, *Governor.*

Filed in office of Secretary of State April 22, 1915.

**ENFORCEMENT OF LAWS RELATING TO THE SALE
OF COCAINE AND THE PRACTICE OF
PHARMACY.***

SEC. 12672. [Sale of cocaine regulated.] Whoever sells, barter, furnishes or gives away, directly or indirectly, or has in his possession for the purpose of selling, bartering, furnishing or giving away, directly or indirectly, any quantity of cocaine, alpha or beta eucaine or alpin, morphine, acetyl-morphine, di-acetyl-morphine, di-acetyl-ester-morphine, ethyl morphine, heroin, chloral hydrate, opium, or any of their alkaloids, salts, derivatives or compounds, or any synthetic equivalent thereof either as to the physical properties or physiological action, except upon the original written prescription of a physician, dentist, or veterinary surgeon duly licensed under the laws of this state, when prescribing for their patients for actual and necessary purposes in the proper practice of their respective professions, which prescription shall contain the name of the physician, dentist, or veterinary surgeon issuing it, the date of issue and the name of the person for whom it is issued; or fails to keep such prescription on file for at least two years, in such manner that it is accessible at all reasonable times to the inspection of the proper officer or officers of the law and the agricultural commission, or fills said prescription

* House Bill No. 132, (1915), amending these sections and transferring the powers that they confer to the state board of pharmacy passed both houses of the General Assembly, but was vetoed by the governor. This left these sections unrepealed.

By virtue of the law creating the board of agriculture of Ohio (O. L., v. 106 p. 177), which provides that "The Board of agriculture shall succeed to and be possessed of the rights, authority and power now exercised by the agricultural commission, unless otherwise specifically provided by law," the powers conferred and the duties imposed by the foregoing sections will devolve upon the board of agriculture of Ohio.

more than once, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days or more than six months, or both, at the discretion of the court, for the first offense, and for each subsequent offense shall be imprisoned not less than one year or more than five years in the penitentiary. If it be made to appear to the court that the person so convicted is addicted to the use of any of the above mentioned drugs or substances, the court, with the consent of such person may commit such person to a hospital or other institution for the treatment of such person. This section does not extend to sales at wholesale of any quantity of the above mentioned drugs to duly registered pharmacists, physicians, dentists or veterinary surgeons; and shall not apply to liquid preparations sold in good faith as medicines containing not more than two grains of opium or not more than one-fourth grain of morphine, or not more than one-fourth grain of heroin, or not more than one-eighth grain of alpha or beta eucaine, or not more than ten grains of chloral hydrate in one fluid ounce, or if a solid preparation, in one avoirdupois ounce. (O. L. 103, p. 505.)

SEC. 12672-1. [Possession prima facie evidence of violation.] The finding in the possession of a person who is not a wholesale dealer in drugs, a registered pharmacist, physician, dentist or veterinary surgeon, of any quantity of cocaine, alpha or beta eucaine or alypin, morphine, acetyl-morphine, di-acetyl-morphine, di-acetyl-ester-morphine, ethyl-morphine, heroin, chloral hydrate, opium, or any of their alkaloids, salts, derivatives or compounds, or any synthetic equivalents thereof either as to the

The court of appeals in *State v. Lathrop* declared section 12672 G. C. repealed by the agricultural commission act of 1913. The supreme court, November 16, 1915, reversed this decision and declared the corresponding section of said agricultural commission act repealed by the act "restricting the selling, bartering or giving away of cocaine, opium, morphine and other drugs" etc. (O. L. 103, p. 506.)

physical properties or physiological action, shall be prima facie evidence of the violation by such person of section 12672 of this chapter. (O. L. 103, p. 506.)

Sec. 12673. [Disposition of fines.] It shall be the duty of the agricultural commission to enforce the provisions of section twelve thousand six hundred and seventy-two, and all fines collected under section twelve thousand six hundred and seventy-two shall be paid to the agricultural commission and by it covered into the state treasury. (O. L. 103, p. 340.)

Sec. 1313. [Enforcement of laws relating to the practice of pharmacy.] The agricultural commission shall enforce the laws relating to the practice of pharmacy. If it has information that any provision of the law has been violated, it shall investigate the matter, and, upon probable cause appearing, file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the agricultural commission shall be paid into the state treasury each month to the credit of the general revenue fund.

OHIO AGRICULTURAL EXPERIMENT STATION.

(House Bill No. 163.)

AN ACT

To create a board of control for the Ohio experiment station, to stipulate its duties and powers and to amend sections 1174 to 1177 inclusive and 1177-1 to 1177-11 inclusive of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SEC. 1170. There shall be a state agricultural experiment station for the benefit of practical and scientific agriculture and the development of the agricultural resources

of the state. It shall be known as the "Ohio Agricultural Experiment Station."

SEC. 1171. The state agricultural experiment station shall be under the supervision and direction of a board of control which shall consist of five members, who shall be practical farmers and who shall be appointed by the Governor with the advice and consent of the Senate, one member to serve for one year, one for two years, one for three years, one for four years and one for five years. Thereafter one member shall be appointed each year who shall hold his office for a term of five years. Not more than three members shall belong to the same political party.

SEC. 1171-1. Members of the board of control shall receive no compensation for their services, but their necessary expenses while in the discharge of their official duties shall be paid by the state.

SEC. 1171-2. The board of control shall organize by the election of a president, a secretary and treasurer; the president shall be a member of the board. Three members of the board shall constitute a quorum for the transaction of business. It shall hold a meeting in Columbus on the first Wednesday after the second Monday of January of each year and special meetings at other times and places upon the call of the president or upon the written request of two members. The board shall adopt by-laws, rules and regulations for the government of the station.

SEC. 1171-3. The board of control of the Ohio agricultural experiment station shall be a body corporate, with power to sue and be sued, to contract and be contracted with, to make and use a seal and to alter it at its pleasure. It may receive and hold in trust for the use and benefit of the station a grant, or devise of land, or a donation or bequest of money or other personal property to be applied to the general or special use of the station as directed by the donor.

SEC. 1171-4. The board of control shall appoint a director, who shall be a person of acknowledged ability and training in the principles and practice of scientific agriculture. It shall fix the terms of office and salaries of all officers and employes of the station and upon written charge for good and sufficient cause may remove them. The director shall have control of the affairs of the station, and be responsible to the board of control for the management of all of its departments. With the approval of the board of control he shall appoint chiefs of departments, assistants and other employes necessary for the proper management of the station and shall assign them to their respective duties. He may suspend an officer or employe of the station for cause, which suspension with the reasons therefor he shall immediately report to the board of control for its final action.

SEC. 1172. The title of all lands for the use of experiment station shall be conveyed in fee simple to the state, but no title shall be conveyed for such purposes unless the attorney general is satisfied that it is free from defects and incumbrances.

SEC. 1173. From time to time the board of control shall issue bulletins of its experiments and work. It shall make an annual report to the Governor which shall be published in pamphlet form for free distribution.

SECTION 9. That sections 1174 to 1177 inclusive and 1177-1 to 1177-11 inclusive of the General Code be amended to read as follows:

SEC. 1174. In order to demonstrate the practical application under local conditions of the results of the investigations of the Ohio agricultural experiment station, and for the purpose of increasing the effectiveness of the agriculture of the various counties of the state, the commissioners of any county in the state are hereby authorized and empowered to establish an experiment farm within such county as hereinafter provided for.

SEC. 1175. The county experiment farms established under this act shall be used for the comparison of varieties and methods of culture of field crops, fruits and garden vegetables; for the exemplification of methods for controlling insect pests, weeds and plant diseases; for experiments in the feeding of domestic animals and in the control of animal diseases; for illustrations of the culture of forest trees and the management of farm woodlots; and for the demonstration of the effects of drainage, crop rotation, manures and fertilizers, or for such part of the above lines of work as it may be practicable to carry on.

SEC. 1176. Upon the filing of a petition with the county auditor signed by not less than five per cent of the electors based upon the vote for governor at the last preceding election, residing within the county, the commissioners of such county shall submit to the qualified voters of such county a proposition to establish an experiment farm within such county, and to issue notes or bonds for the purchase and equipment of such farm, such proposition to be voted upon at the next general election following the receipt of the petition by the commissioners. Notice of the intention to submit such proposition shall be published by the county commissioners in two newspapers of opposite politics printed and of general circulation in said county, for at least four weeks prior to the election at which the proposition is to be voted upon, together with a statement of the maximum amount of money which it is proposed to expend in the purchase and equipment of such farm.

SEC. 1177. The county auditor shall file a written request with the board of deputy supervisors of elections asking for the preparation of the necessary ballots, which ballots shall be separate and apart from all other ballots, and which ballots shall have printed thereon "Tax for experiment farm—YES"; "Tax for experiment farm—NO". The result of such election shall be ascertained by

the board of deputy supervisors of elections and the result thereof certified to the county auditor.

SEC. 1177-1. If a majority of the electors voting on such proposition in the county, are in favor of establishing such experiment farm, then the commissioners of the county shall levy a tax on all the taxable property in such county as listed for taxation on the county duplicate, which levy shall not exceed one-fifth of one mill on the dollar of the taxable property of the county in any one year, nor shall the aggregate of all levies for such purposes exceed two mills on the dollar.

SEC. 1177-2. To anticipate the collection of the tax authorized by this act and the use of the money to be raised thereby, the county commissioners are hereby authorized and required to issue the notes or bonds of their county, such notes or bonds to bear interest at a rate not to exceed six per cent per annum, and not to run to exceed ten years, and not to be sold for less than their par value, and the proceeds of the sale thereof shall be deposited in the county treasury, to be applied by the county commissioners to the purchase and equipment of an experiment farm, containing eighty acres or more, as hereinafter provided for.

SEC. 1177-3. When the funds provided for in this act are deposited in the county treasury, the county commissioners shall notify the board of control of their action, on receipt of which notice it shall be the duty of the board of control to visit the county and assist in the selection of a farm to be used for the purpose specified in this act, provided that no farm shall be purchased except with the approval of the majority of the board of control and also of a majority of the board of county commissioners of the county.

SEC. 1177-4. The equipment of an experiment farm shall consist of such buildings, drains, fences, implements, live stock, stock feed and teams as shall be deemed neces-

sary by the board of control for the successful work of such farm, and the initial equipment shall be provided by the county in which the farm is established, together with a sufficient fund to pay the wages of the laborers required to conduct the work of such farm during the first season. The county commissioners shall appropriate for the payment of the wages of laborers employed in the management of such farms as may be established under this act, and for the purpose of supplies and materials necessary to the proper conduct of such farms such sums not exceeding two thousand dollars annually for any farm, as may be agreed upon between such county commissioners and the board of control.

SEC. 1177-5. The management of all county experiment farms established under authority of this act shall be vested in the director of the Ohio agricultural experiment station, who shall appoint all employes and plan and execute the work to be carried on, in such manner as in his judgment will most effectively serve the agricultural interests of the county in which such farm may be located, the director and all employes being governed by the general rules and regulations of the board of control.

SEC. 1177-6. Before entering upon any line of investigation or demonstration upon any of the county experiment farms established under this act, the director of the experiment station shall submit a written plan of such contemplated work to an advisory board, consisting of the county agricultural society of the county in which such experiment farm may be located, or if there be no county agricultural society, then the board of county commissioners of such county, and if such plan is not approved by such advisory board, then the work shall not be undertaken.

SEC. 1177-7. The county commissioners of any county may equip and assign to the board of control such portion of any farm now owned by the county as may be mutually

agreed upon between the county commissioners and the board of control, the land thus assigned to be occupied and used by the experiment station for the purpose specified in this act and under the management of the director of the station.

SEC. 1177-8. The produce of each county experiment farm as may be established under this act, over and above that required for the support of the teams and live stock kept on the farm, shall be sold and the proceeds applied to the payment of the labor and to the purchase of the supplies and materials required for the proper management of the farm as contemplated by this act, and for the maintenance of its equipment. Any surplus beyond these requirements shall be covered into the county treasury and placed to the credit of the general fund of the county, except in the case of the use of farms already belonging to the county, in which case the proceeds shall be placed to the credit of such fund as the county commissioners may designate.

SEC. 1177-9. In case the experiment station shall cease to use for the purposes herein specified any county experiment farm established under this act, such farm and its equipment shall be sold at public auction to the highest bidder after notice of such proposed sale shall have been published for four consecutive weeks in two newspapers of opposite politics, once a week, published in and having the largest circulation in the county within which the farm is located, and the proceeds of such sale shall be covered into the county treasury, the sums thus covered to be placed to the credit of the school funds of the county.

SEC. 1177-10. The board of control shall carefully inquire into the character and extent of the forests of the state, the causes of their waste and decay, and methods for their preservation and development. It shall conduct investigations in the several sections of the state, determine the species of valuable trees best suited to grow on

the various kinds of soil, and ascertain the best methods and cost of the propagation, planting and cultivation of wood lots and plantations. It shall determine the average rate of growth of the various species of trees and the relative values of different kinds of timber for domestic and commercial purposes, and conduct experiments for the purposes of increasing durability of the various kinds of wood; determine the kind of trees and shrubs best suited to different localities for wind-breaks and shelter, and for beautifying grounds, and ascertain the best methods of planting and managing them.

SEC. 1177-11. The board of control may cooperate with the department of agriculture of the United States in conducting such portion of the work mentioned in section 1177-10 of the General Code, as may be agreed upon by the board of control and such department of agriculture.

SECTION 10. That said original sections 1174 to 1177 inclusive and 1177-1 to 1177-11 inclusive of the General Code be and the same are hereby repealed.

CHARLES D. CONOVER,
Speaker of the House of Representatives.

JOHN H. ARNOLD,
President of the Senate.

Passed April 6, 1915.

Approved April 8, 1915.

FRANK B. WILLIS, *Governor.*

Filed in office of Secretary of State April 8, 1915.

FARMERS' INSTITUTES AND COUNTY AGRICULTURAL AGENTS.

(House Bill No. 251.)

AN ACT

To amend sections 9916, 9917, 9918, 9919, 9920 and 9921 of the General Code, relating to farmers' institutes, and to supplement said section 9921 by sections to be known as 9921-1, 9921-2, 9921-3, 9921-4, 9921-5, creating the office of agricultural agent in the several counties of the state.

Be it enacted by the General Assembly of the State of Ohio :

SECTION 1. That sections 9916, 9917, 9918, 9919, 9920, and 9921 of the General Code, be amended to read as follows:

SEC. 9916. When twenty or more persons, residents of a county, organize themselves into a farmers' institute society, for the purpose of teaching better methods of farming, stock raising, fruit culture, and business connected with agriculture, and adopt a constitution and by-laws conforming to rules and regulations furnished by the trustees of the Ohio state university, and when such society has elected proper officers and performed such other acts as are required by the rules of the trustees of the Ohio state university, it shall be a body corporate.

SEC. 9917. Not to exceed five farmers' institute societies so organized shall hold annual meetings under the auspices of the trustees of the Ohio state university in any one county. The trustees of the Ohio state university may determine the number, and name the times and places for holding such institute meetings.

SEC. 9918. When a society so organized has held annual farmers' institute meetings in accordance with the rules of the trustees of the Ohio state university, the dean of the college of agriculture shall issue certificates, one to the president of the farmers' institute society and one to the county auditor, setting forth such facts. On the presentation of such certificates to the county auditor, he, each year, shall draw orders on the treasurer of the county as follows: One in favor of the dean of the college of agriculture of Ohio state university for one hundred and seventy-five dollars and one in favor of the president of each farmers' institute society in the county holding meetings under the auspices and by the direction of the trustees of the Ohio state university for the amount of the actual expenses and not to exceed twenty-five dollars to pay necessary local expenses, and when such expenses have been itemized and certified to by the president of an institute and submitted to the dean of the college of agriculture of the Ohio state university, he shall authorize the auditor to issue a warrant, and the treasurer of the county shall pay them from the county fund. But in no county shall the total annual sum exceed three hundred dollars, nor shall the payment to the farmers' institute society exceed the expenses, as per detailed statement provided in the following section.

SEC. 9919. With each certificate of the dean of the college of agriculture of the Ohio state university to the county auditor, which certificate shall show the number of societies organized in the county and holding meetings by direction of the trustees of the Ohio state university, and before he issues his order on the treasurer, there shall be filed with the auditor a detailed statement of the expenses of the institute for the current year, no part of which shall be for salaries of officers of the institute society. This provision does not apply to the order in favor

of the dean of the college of agriculture of the Ohio state university.

SEC. 9920. At the annual farmers' institute meetings held as herein provided, and under the auspices of the trustees of the Ohio state university, the department shall furnish lecturers or speakers whose compensation and expenses it shall pay. A majority of these lecturers and speakers shall be practical farmers.

SEC. 9921. At the close of each season's institute work the trustees of the Ohio state university, in pamphlet or book form, may publish such lectures and papers delivered at the several institute meetings as may seem of general interest and importance to the farmers, stock breeders and horticulturists of the state, copies of which shall be furnished the secretary of each institute society, and the remainder for general distribution. The cost of preparing and distributing the pamphlet or book shall be paid from appropriations made for this purpose from the general revenue fund of the state upon the warrant of the auditor of state upon vouchers approved by the dean of the college of agriculture of the Ohio state university.

SECTION 2. That section 9921 of the General Code be supplemented by the following additional sections:

SEC. 9921-1. The state treasurer shall receive and place to the credit of the Ohio state university all moneys appropriated and apportioned to Ohio by the United States under "an act to provide for cooperative agricultural extension work between the agricultural colleges in the several states and the United States department of agriculture", which act was approved May 8, 1914. The money so appropriated and apportioned by the United States, together with any money appropriated by the state and any county or counties, to make available the aid extended by the United States in the aforesaid act, shall be set aside and designated as "the agricultural extension fund" and used in accordance with the provisions of this act for the

extension service of the college of agriculture of the Ohio state university. The trustees of the Ohio state university shall expend, in accordance with law, all moneys in the state treasury to the credit of the agricultural extension fund.

SEC. 9921-2. From moneys appropriated by the state for the employment of agricultural agents, not to exceed three thousand dollars in any one year shall be expended for any county that shall raise at least one thousand dollars for the support of an agricultural agent for one year, and shall give satisfactory assurance to the trustees of the Ohio state university that a like sum shall be raised for a second year, or shall establish and maintain a county experiment farm as provided in the statutes. To secure this aid from the state, the board of county commissioners of any county shall agree to the employment of an agricultural agent approved by the dean of the college of agriculture of the Ohio state university.

SEC. 9921-3. The county agricultural agent shall acquaint himself with the agricultural conditions of the county to which he is assigned; study the different types of soil and crops and the systems of farming best suited to each; visit and inspect farms and give farmers the benefit of practical information relating to the planting, cultivation and harvesting of crops, the breeding and raising of live stock and poultry, the economic value of birds, the care of orchards, the propagation of fruits, cooperative marketing of farm products and all other matters relating to practical agriculture in the county. He shall cooperate with the United States department of agriculture, the college of agriculture of the Ohio state university, the Ohio agricultural experiment station and the supervisor of agricultural education in the Ohio department of public instruction, to the end that farmers of the county may have at hand the services of all these agencies. He shall have an office in which bulletins and other printed matter and

records of value to the farmer may be consulted and through which the agent may at all times be reached as he travels from farm to farm in the discharge of his duties. In short, he shall be at the service of the farmers of the county and shall, as far as possible, carry to each and all of them the message of practical and scientific aid in their work.

SEC. 9921-4. Each and every county of the state is authorized and empowered to appropriate annually not to exceed fifteen hundred dollars, for the maintenance, support, and expenses of a county agricultural agent, and the county commissioners of said county or counties are authorized to set apart and appropriate said sum of money and transmit the same to the state treasurer who shall place it to the credit of the agricultural extension fund to be paid for the purposes aforesaid, on warrant issued by the auditor of state in favor of the Ohio state university. If for any reason it shall not be used as contemplated in this act before the expiration of two years, it shall revert to the county from which it came.

SEC. 9921-5. If the county commissioners of any county shall not make provision for an agricultural agent as authorized in this act, they may be directed and required to make such provision by the qualified electors of the county on a referendum vote. The question of employing such agent shall be submitted, upon the filing of a petition with the county auditor, signed by not less than five per cent of the qualified electors resident in such county. Upon the receipt of such petition it shall be the duty of the board of county commissioners to submit the question at the first general election held after the meeting of the board at which the petitions were presented, or at a special election called for that purpose. The question shall be submitted on a separate ballot printed in the following form: "County agricultural agent, YES"; "County agricultural agent, NO." Ballots shall be deposited in a sep-

arate ballot box. They shall be prepared and distributed by the same officers as are required by law to prepare and distribute ballots for county elections, and the canvass and return of the vote shall be the same as is provided by law for the canvass and return of the vote upon county officers. If it shall appear that a majority of the electors voting upon the question are in favor of the employment of a county agricultural agent, then the county commissioners shall proceed at once to make appropriations for the employment of such agent under the provisions of this act.

After having established this county agent work in any county, the county commissioners of such county shall continue to make such annual appropriations for said work as the trustees of the Ohio state university may direct, not exceeding fifteen hundred dollars annually, for a period of five years.

SEC. 3. That said original sections 9916, 9917, 9918, 9919, 9920 and 9921 of the General Code be and the same are hereby repealed.

CHARLES D. CONOVER,

Speaker of the House of Representatives.

C. J. HOWARD,

President pro tem. of the Senate.

Passed May 19, 1915.

Approved May 25, 1915.

FRANK B. WILLIS, *Governor.*

Filed in office of Secretary of State May 28, 1915.

AGRICULTURAL SCHOOL AT NEW LYME.

(House Bill No. 413.)

AN ACT

To create and establish a state agricultural school at New Lyme, Ashtabula county, Ohio, and to authorize the board of trustees of the Ohio State University to receive and control certain property for the use and benefit of said school.

Be it enacted by the General Assembly of the State of Ohio :

SECTION 1. There is hereby created and established a state agricultural school to be located at New Lyme, in the county of Ashtabula, to be connected with the Ohio State University, and under the supervision and control of the board of trustees of said university.

SECTION 2. Said board of trustees may receive and hold in trust for the special use and benefit of said state agricultural school, any grant, gift or bequest of land or personal property, and also the lands, moneys, notes, mortgages and other personal property now held in trust for educational purposes by the board of trustees of New Lyme Institute located at New Lyme in the county of Ashtabula.

SECTION 3. The board of trustees of the Ohio State University, in connection with the faculty thereof, shall provide for teaching in said school during a period of at least eight months in each year, such branches of learning as are related to agriculture, the mechanic arts, home economics and such other scientific and classic studies as will prepare students for efficient citizenship, for voca-

tional and industrial pursuits, and for admission to colleges and universities.

CHARLES D. CONOVER,
Speaker of the House of Representatives.

JOHN H. ARNOLD,
President of the Senate.

Passed May 14, 1915.

Approved May 26, 1915.

FRANK B. WILLIS, *Governor.*

Filed in office of Secretary of State May 27, 1915.

AGRICULTURAL SOCIETIES.

COUNTY SOCIETIES.

SEC. 9880. [Organization of societies.] When thirty or more persons, residents of a county or of a district embracing one or more counties, organize themselves into an agricultural society, which adopts a constitution and by-laws, selects the usual and proper officers, and otherwise conducts its affairs in conformity to law, and the rules of the state board of agriculture, and when such county or district society has held an annual exhibition in accordance with the three following sections, and made proper report to the state board, then, upon presentation to the county auditor, of a certificate from the president of the state board attested by the secretary thereof, that the laws of the state and the rules of the board have been complied with, the county auditor of each county wherein such agricultural societies are organized, annually shall draw an order on the treasurer of the county in favor of the presi-

dent of the county or district agricultural society for a sum equal to two cents to each inhabitant thereof, on the basis of the last previous national census. The total amount of such order shall not in any county exceed eight hundred dollars, and the treasurer of the county shall pay it.

SEC. 9880-1. [How independent agricultural societies may receive financial aid.] When thirty or more persons residents of a county or of contiguous counties, not to exceed three, are organized into an independent agricultural society that has held annual fairs for agricultural advancement previous to January first, 1915, in a county wherein is located a county agricultural society, and when such independent society has held an annual exhibition in accordance with the three following sections, and made proper report to the state board, then, upon presentation to the county auditor of a certificate from the president of the state board attested by the secretary thereof, that the laws of Ohio and the rules of the board have been complied with, the county auditor of the county, if the fair board be residents of one county, shall draw an order on the treasurer of the county in favor of the president of the independent agricultural society for a sum equal to the amount paid to the county fair and the treasurer shall pay said order. If the fair board of the independent agricultural society be residents of more than one county, the auditors of such counties shall draw orders on their respective treasurers for the proportionate share of an amount equal to an average amount paid to the several county fair boards to be divided according to population of the counties according to the last federal census. The treasurer or treasurers shall pay such order or orders from the county funds. (106 v. 273.)

SEC. 9881. [Premiums offered.] The several county or district societies formed under the provisions of the preceding section, annually shall offer and award pre-

miums for the improvement of soils, tillage, crops, manures, implements, stock, articles of domestic industry, and such other articles, productions, and improvements, as they deem proper, and may perform all acts they deem best calculated to promote the agricultural and household manufacturing interests of the district and of the state. They shall regulate the amount of premiums, and their different grades, so that small as well as large farmers may have an opportunity to compete therefor. In making their awards, special reference shall be had to the profits which accrue or are likely to accrue from the improved mode of raising the crop, or of improving the soil or stock or of the fabrication of the articles thus offered, so that the premium will be given for the most economical mode of improvement.

SEC. 9882. [Duties of persons competing therefor.] Persons offering to compete for premiums on improved modes of tillage, or the production of crops or other articles, before such premiums adjudged, shall deliver to the awarding committee a full and correct statement of the process of the mode of tillage or production, and the expense and value thereof, with a view to showing accurately the profits derived or expected to be derived therefrom.

SEC. 9883. [When preceding section does not apply.] During a year when the state board of agriculture holds its fair upon the grounds of a county or district agricultural society, such society, if its board of directors so decides, shall be excused from complying with the provisions of the preceding two sections, and shall incur no forfeiture of its rights by reason of not holding a fair.

SEC. 9884. [List of awards must be published.] County and district societies annually shall publish a list of awards, and an abstract of the treasurer's account, in a newspaper of the district, and make a report of their proceedings during the year, and a synopsis of the awards for improve-

ment in agriculture and household manufactures, together with an abstract of the several descriptions of these improvements; also make a report of the condition of agriculture in their county or district, which shall be made in accordance with the rules and regulations of the state board of agriculture, and be forwarded to the state board at its annual meeting in January of each year. No subsequent payment shall be made from the county treasury unless a certificate be presented to the auditor, from the president of the state board, showing that such reports have been made.

SEC. 9885. [Powers when they become incorporated.] County societies which have been, or may hereafter be organized, are declared bodies corporate and politic and as such, shall be capable of suing and being sued, and of holding in fee simple such real estate as they have heretofore purchased, or may hereafter purchase as sites whereon to hold their fairs. They may mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land. But if the county commissioners have paid money out of the county treasury to aid in the purchase of the site of such grounds, no mortgage shall be given without the consent of such commissioners.

SEC. 9886. [Conveyances declared valid.] Deeds, conveyances, and agreements in writing, made to and by such county societies, for the purchase of real estate as sites of their fairs shall vest a title in fee simple to real estate therein described, without words of inheritance.

SEC. 9887. [Commissioners may assist societies.] When a county society has purchased or leased real estate whereon to hold fairs for a term of not less than twenty years, or the title to the grounds is vested in fee in the county, but the society has the control and management of the lands and buildings; if they think it for the interests

of the county, and society, the county commissioners may pay out of the county treasury the same amount of money for the purchase or lease and improvement of such site as is paid by such society or individuals for that purpose, and may levy a tax upon all the taxable property of the county sufficient to meet such payment.

SEC. 9887-1. [Tax levy to improve real estate of agricultural societies.] In counties wherein there is a county agricultural society which has purchased a site whereon to hold fairs, and the title to such grounds is vested in fee in the county, but the society has the control and management of the lands and buildings, if they think it for the interest of the county, and society, the county commissioners may levy a tax upon all the taxable property of the county for the purpose of improving such grounds not to exceed one-twentieth of one mill in any one year and not for a period of more than five years; and in anticipation of the collection of this tax the commissioners may issue and sell the bonds of the county, bearing interest not to exceed six per cent, per annum payable annually. (106 v. 484.)

SEC. 9888. [Submission of question of issuing bonds.] In counties wherein there is a county agricultural society which has purchased a site whereon to hold fairs, or if the title to such ground is vested in fee in the county, and such society is indebted fifteen thousand dollars or more, upon the presentation of a petition signed by not less than five hundred resident electors of the county praying for the submission to the electors of the county of the question whether or not county bonds shall be issued and sold to liquidate such indebtedness, such commissioners within ten days thereafter by resolution shall fix a date which shall be within thirty days upon which the question of issuing and selling such bonds, in amount and denomination such as are necessary for the purpose in view shall be submitted to the electors of the county. They

also shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county, who, within ten days thereafter shall proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to such electors at the time fixed by the resolutions.

SEC. 9889. [Conduct of the election.] Such election shall be held at the regular places of voting in the county and conducted, canvassed, and certified except as otherwise provided by law, as are elections for the election of county officers. The deputy state supervisors of election must give fifteen days' notice of the submission by publication in one or more newspapers published in the county once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which issued and the time and places of holding such election. Those who vote in favor of the proposition shall have written or printed on their ballots, "For the issue of bonds" and those who vote against it, have written or printed on their ballots, "Against the issue of bonds." If a majority of the voters voting upon the question of issuing the bonds vote in favor thereof, then and not otherwise, they shall be issued, and the tax hereinafter mentioned be levied.

SEC. 9890. [Bonds.] If a majority of the voters of such county voting upon the question of issuing the bonds vote in favor thereof, the board of county commissioners, for the purpose of liquidating such indebtedness shall issue and sell the bonds of the county according to law, in the amount necessary and bearing not more than six per cent interest, payable semi-annually.

SEC. 9891. [Levy.] Such bonds shall be issued for a period of not less than ten nor more than twenty years. The county commissioners thereupon shall levy a tax upon all the taxable property on the duplicate of the county to pay such bonds as they mature and the interest thereon,

at the rate and for such length of time as may be necessary for the purpose.

SEC. 9892. [Liquidation of debts.] From the proceeds arising from the sale of such bonds, the county commissioners shall pay off and liquidate the indebtedness for which they were so sold.

SEC. 9893. [Money raised shall be applied to purpose.] When money has been raised by taxation in a county for the purpose of leasing lands for county fairs or of erecting buildings for county fair purposes, or for making improvements on county fair grounds, or any purpose connected with the use of county fair grounds or the management thereof by a county agricultural society, it shall be used for such purpose only, notwithstanding the law under which the money was so raised has expired by limitation. Such money shall be used for the purposes intended by the act under which they were levied and collected by taxation.

SEC. 9894. [One-tenth mill levy for use of agricultural society.] When a county or county agricultural society owns or holds under a lease, real estate used as a site whereon to hold fairs, and the county agricultural society therein has the control and management of such lands and buildings, for the purpose of encouraging agricultural fairs, the county commissioners shall on the request of the agricultural society annually levy taxes of not exceeding a tenth of one mill upon all taxable property of the county, but in no event to exceed the sum of one thousand five hundred dollars, which sum shall be paid by the treasurer of the county to the treasurer of the agricultural society, upon an order from the county auditor duly issued therefor. Such commissioners shall pay out of the treasury any sum from money in the general fund not otherwise appropriated in anticipation of such levy.

SEC. 9895. [Commissioners may purchase grounds.] If a county society and the county commissioners decide

that the interests of the society and county demand an appropriation from the county treasury for the purchase and improvement of county fair grounds greater than that authorized by the preceding section, or without action of or purchase by the society, the commissioners may levy a tax upon all the taxable property of the county, the amount of which they shall fix, but shall not exceed half a mill thereon, in addition to the amount authorized in the preceding section to be paid for such purpose.

SEC. 9896. [Question of tax to be submitted.] No such tax shall be levied until the question as to the amount is submitted by the commissioners to the qualified electors of the county at some general election, a notice of which, specifying the amount to be levied, has been given at least thirty days previous to such election, in one or more newspapers published and of general circulation in the county. Those voting at the election in favor of the tax shall have written or printed on their ballots, "Agricultural tax, YES", and those voting against it, "Agricultural tax, NO". If a majority of the votes cast be in favor of paying such tax, it may be levied and collected as other taxes.

SEC. 9897. [When tax paid to treasurer of society.] When such tax is collected by the county treasurer, the auditor shall issue his order for the amount thereof to the treasurer of the county agricultural society, on his filing with the auditor a bond in double the amount collected with good and sufficient sureties, to be approved by the auditor, conditioned for the faithful paying over and accounting to such society for such funds.

SEC. 9898. [When real estate vests in county.] When a society is dissolved or ceases to exist, in a county where payments have been made for real estate, or improvements thereon, or for the liquidation of indebtedness for the use of such society, all such real estate and improve-

ments shall vest in fee simple in the county by which the payments were made.

SEC. 9899. [Insurance of property.] The county commissioners of a county may keep the buildings owned by the county agricultural society or county insured, if deemed proper by them, for the benefit of such society, or the county as the case may be.

SEC. 9900. [May sell, lease or purchase sites.] When a county society desires to sell its site in order to purchase another, or if for any reason such site is unfit or insufficient for the purposes for which it is used, and at a regular meeting, by a vote of at least a majority of all the members of its board of directors, upon a call of the yeas and nays, it adopts a resolution for the purpose of securing the benefits hereof and declaring a desire to sell such site in order to buy another, or that the site has become unfit or insufficient, and that it is for the best interests of the society and county that such site be sold or leased, and a new one bought or leased, the society may sell or lease such old site and buy or lease a new one for holding county fairs as hereinafter provided. But in cases where the county paid all or any portion of the purchase money for the site to be sold or leased, the written consent of the county commissioners shall first be given to such sale or lease. Within thirty days after its passage, such board of directors shall give notice in writing to the commissioners of such county of the adoption of such resolution declaring the necessity of selling or leasing such site and of buying or leasing a new site, which notice shall contain or have annexed thereto a certified copy of the resolution, signed by the president and secretary of the board of directors.

SEC. 9901. [When commissioners shall carry out contracts.] When such society has given notice to the commissioners as above provided, and has selected or secured options for the purchase or lease of a new site for hold-

ing county fairs in such county, its board of directors shall immediately give notice of all of such facts to the commissioners, which notice, if such old site is sold or leased before the purchase or lease of the new one, shall state the amount for which it was sold or leased, also the amount of money necessary to acquire such new site, and the terms and conditions of the purchase or lease thereof, together with a full description of the tracts or parcels of land and improvements thereon, included therein. After the filing of such notices, the commissioners may complete and carry into effect any contract or contracts which such society made for the purchase or lease of the new site.

SEC. 9902. [Payment for purchase or lease of land.] Payment for the purchase or lease of the land included in such site, and the improvements thereon, may be made by the county commissioners from any unappropriated funds in the county treasury at the time it is to be made. If no such funds are then in the treasury, the commissioners may issue the bonds of the county for such amounts as are necessary for the purchase or lease of the land and the improvements thereon. But if such old site is sold or leased before the new site is purchased or leased, in making the payment such society first shall apply the moneys realized from the sale or lease to the purchase or lease of the new site. If the old site is sold or leased after the purchase or lease of the new site, the amounts realized from such sale or lease shall be placed to the credit of the sinking fund for the redemption of bonds issued as hereinafter provided. Such bonds shall bear not more than five per cent interest per annum, payable semi-annually, not be sold at less than their par value, and shall be payable at such place, times, and in such denominations as the commissioners determine.

SEC. 9903. [Levy for payment of bonds.] To provide for the payment of such bonds, and interest thereon, the county commissioners may levy such annual taxes on all

the taxable property of the county, as are necessary to create and provide a sinking fund for the redemption of the bonds at maturity and the interest accruing thereon. Such levy shall be collected and accounted for to the county treasurer in the manner provided for the collection of other taxes.

SEC. 9904. [Submission of question of issuing bonds.] Before issuing such bonds, the commissioners by resolution shall submit to the qualified electors of the county at the next general election for county officers held not less than thirty days after receiving from such agricultural society the notice provided for in section ninety-nine hundred, the question of issuing and selling such bonds, in amount and denomination as necessary for the purpose in view, and shall certify a copy of such resolution to the deputy state supervisors of elections of the county.

SEC. 9905. [The election.] Such deputy state supervisors shall place the question of issuing and selling such bonds upon the ballot and make all other necessary arrangements for the submission of such question to the qualified electors of such county, at the time fixed by such resolution. The votes cast upon the question must be counted, canvassed and certified in the same manner, except as otherwise provided by law, as votes cast for county officers. Fifteen days' notice of such submission shall be given by the deputy state supervisors, by publication once a week for two consecutive weeks in two or more newspapers published in the county, stating the amount of bonds to be issued, the purpose for which they are issued, and the time and places of holding the election. Such question must be stated on the ballot as follows: "For the issue of county fair bonds, YES;" "For the issue of county fair bonds, NO." If the majority of the voters voting upon the question of issuing the bonds are in favor thereof, then, but not otherwise, they shall be issued, and the tax hereinbefore mentioned be levied.

SEC. 9906. [Control of lands when title vested in commissioners.] When the title to grounds and improvements occupied by agricultural societies is in the county commissioners, the control and management of such lands and improvements shall be vested in the board of directors of such society so long as they are occupied and used by it for holding agricultural fairs. Moneys realized by the society in holding county fairs and derived from renting or leasing the grounds and buildings, or portions thereof, in the conduct of fairs or otherwise, over and above the necessary expenses thereof, shall be paid into the county treasury of the society, to be used as a fund for keeping such grounds and buildings in good order and repair, and in making other improvements from time to time deemed necessary by its directors.

SEC. 9907. [How conveyances executed.] Conveyances of grounds sold under section ninety-nine hundred, which are owned exclusively by any society, may be executed by the president as such. Grounds owned partly by the society and partly by the county may be conveyed by deed executed by the president of the society, as such, and by the county commissioners.

SEC. 9908. [When society may encumber grounds.] When the commissioners of a county have paid, or pay, money out of the county treasury for the purchase of real estate as a site for an agricultural society whereon to hold its fairs, the society shall not encumber such real estate with any debt, by mortgage or otherwise, without the consent of the commissioners duly entered upon their journal.

When such consent is obtained the society may encumber such real estate in order to pay the cost of necessary repairs and improvements to an amount not exceeding fifty per cent of its value. In order to ascertain the value of such real estate the commissioners shall appoint three disinterested free-holder residents of the county to

appraise such real estates. The appraisers so appointed shall, within ten days after their appointment, upon actual view of such premises, appraise such real estate and return such appraisement under oath to the board of county commissioners. And the appraisement so made shall be considered the value of such real estate for the purpose of mortgage or other encumbrance. (103 v. 560.)

SEC. 9909. [Appropriation of land for fair purposes.] When deemed necessary by the board of directors of a county agricultural society to enlarge the fair grounds under its control, and the owner or owners of the proposed addition to the grounds and the board are unable to agree upon the sale and purchase thereof, the board shall make an accurate plat and description of the land which it desires for such purpose and file them with the probate judge of the proper county. Thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations, such board to act for the society therein as the council would for the municipality.

SEC. 9910. [Directors to prosecute proceedings.] If the law makes it the duty of the county commissioners to purchase such additional grounds for the use of such society, its board of directors shall prosecute the proceedings for appropriation to their final conclusion, except as to payment of purchase money, before the commissioners can be called upon to act in the matter. Such commissioners shall make such payment or deposit, not above fifteen thousand dollars in amount, when required so to do by such board of directors or by the court, and delay on their part shall not prevent such purchase or appropriation.

TOWNSHIP SOCIETIES.

SEC. 9911. [Incorporation of township societies.] When any number of persons of a township form a society for the promotion of agriculture in such township, and

under their hands and seals make a certificate, and acknowledge it before a justice of the peace, in which shall be specified the name of the society, the objects of its formation, and the township in which it shall be located, and file it in the office of the secretary of state, such society shall be deemed a body corporate, with succession, and with power to sue and be sued, defend and be defended, and contract and be contracted with, may make and use a common seal, and the same alter at pleasure, and may purchase, and hold in fee simple, or rent or lease, such real estate as may be required as a site for holding fairs, not exceeding forty acres, and establish all necessary rules and regulations for the management of such fairs and the legitimate business of the society.

MISCELLANEOUS PROVISIONS RELATING TO AGRICULTURAL SOCIETIES

SEC. 4082-1. [Joint use of fair grounds.] Any real estate controlled and managed by any agricultural society organized under the laws of Ohio, pertaining to agricultural societies, whether owned by it or by any county, or jointly by it and any county and which is situated within, adjacent to or near any municipal corporation and used as a site for fairs, may be jointly used as such site for fairs and also as a public park of such municipal corporation, although the title thereto shall remain in such agricultural society or county * * * as the case may be.

SEC. 4082-2. [Agreement.] The duration of such joint use and all the terms and conditions thereof shall be such as may be agreed upon between such municipal corporation and such agricultural society or if such county has any interest in such real estate, then such agreement shall be made between such municipal corporation on the one

hand and such agricultural society and such county acting through its board of county commissioners.

SEC. 4082-3. [Powers of municipality.] Such municipal corporation shall have the same authority and power to improve, equip and maintain such real estate as a public park and to do all things necessary for its use and enjoyment as such public park which it has under the laws of Ohio as to parks owned by it in fee.

SEC. 9912. [Justice of the peace may appoint special constables.] On the application of a state, county, township or independent agricultural society, or industrial association, or other association or meeting of citizens for the purpose of promoting social or literary intercourse, a justice of the peace may appoint a suitable number of special constables to assist in keeping the peace during the time when such society or assembly is holding its annual fair or meeting. He shall make an entry in his docket of the number and names of all such persons so appointed.

SEC. 9913. [Powers of such constables.] Constables so appointed shall have all the power of constables to suppress riots, disturbances, and breaches of the peace. Upon view they may arrest any person guilty of a violation of any law of the state, and pursue and arrest any person fleeing from justice in any part of the state. They also may apprehend any person in the act of committing an offense, and, on reasonable information, supported by affidavit, procure process for the arrest of any person charged with a breach of the peace, forthwith bring him before a competent authority, and enforce all the laws for the preservation of good order.

SEC. 9914. [Suppression of the sale of liquor at fairs.] A judge of any court, sheriff, coroner, justice of the peace of the proper county, a constable of the proper township, or constables specially appointed, upon view or information, without warrant, shall apprehend any person selling intoxicating liquors in violation of law at or within two

miles of the place where an agricultural fair is being held, seize the booth, tent, wagon, carriage, stand, vessel, or boat at or from which such liquors are sold, convey it to a place of safe keeping, take the person so offending before some officer having jurisdiction, together with an inventory of the things so seized, and such officer shall forthwith inquire into the truth of the accusation, and proceed as provided by law.

SEC. 9915. [How articles seized disposed of.] The articles so seized shall be bound for the payment of all fines and costs assessed against the accused in the proceeding, including the necessary expenses of seizing and detaining them, shall remain in the possession of the officer who makes the seizure until the determination of the prosecution, and may be sold on process issued therein against the accused.

SEC. 8602. [How proceeds disposed of when lands sold.] The county treasurer shall pay the proceeds, not exceeding six hundred dollars in any case, of a sale of escheated lands to the regularly organized agricultural society within the county, and the excess of such proceeds, or the whole thereof, if there be no such society within the county, to the treasurer of state, as other moneys collected for state purposes, for the use of the state agricultural fund.

SEC. 12519. [Entering ground of agricultural associations, etc., or molesting property.] Whoever wilfully enters agricultural or other fair grounds or grounds used for the meeting of pioneers, public or private entertainments or other lawful assemblages, or for the protection of trees, plants or shrubs or the fruits and products thereof, in violation of the rules and regulations for the government and control of such grounds, or without the permission or consent of the owner or other person having lawful control thereof, or destroys a tree, plant, shrub, fence or other property thereon, or disturbs, removes, takes or carries

away an exhibit or thing of value therefrom, contrary to the rules governing such grounds shall be fined not less than five dollars nor more than three hundred dollars or imprisoned in the jail of the county or in the jail of the municipality, if the offense charged was committed therein, not more than three months, or both, and shall be liable to the party damaged thereby in double the amount of the damage thereto.

SEC. 12520. [Prosecution.] Prosecutions under the next preceding section may be by indictment in the court of common pleas, or before a justice of the peace or the mayor of a city or village, when the offense was committed within the corporate limits thereof.

SEC. 13159. [Fraudulent entry of horse in contest of speed.] Whoever knowingly enters or causes to be entered for competition in a contest of speed for a purse, prize, premiums, take or sweep-stakes offered or given by an agricultural or other society, association or person, a horse, mare, gelding, colt or filly, under an assumed name or out of its proper class shall be imprisoned in the penitentiary not less than one year nor more than three years.

SEC. 13206. [Selling intoxicating liquors or keeping house of ill fame at certain places prohibited.] Whoever sells intoxicating liquors or keeps a house of ill-fame at or within * * * two miles of the place where an agricultural fair is being held * * * shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not more than thirty days, or both. The place wherein such intoxicating liquors are sold shall be shut up and abated as a nuisance by order of the court upon conviction of the owner or keeper thereof.

SEC. 13207. [Exception.] The next preceding section shall not prevent a regular dealer in intoxicating liquors from selling it at his usual place of business within two miles of an agricultural fair.

SEC. 13394. [Exhibitions and temporary business near fairs prohibited.] Whoever exhibits or shows a natural or artificial curiosity for price or gain, or sets up to let or uses for profit a swing, revolving swing, flying horses, whirligigs, or other device or establishes a temporary place of business for the sale of an article or offers it for sale, not being a regularly established dealer therein at his usual place of business, within one-fourth of a mile of a fair or an agricultural society, not having obtained written permission so to do from the board of such society, shall be fined not less than one dollar nor more than one hundred dollars.

SEC. 14571. [Commissioners in certain counties may assist agricultural societies.] When a county society in a county containing a city of second grade of the first class has purchased or leased for a term of not less than twenty years, real estate as a site whereon to hold fairs, or when the title to the grounds is vested in fee in the county, but the society has the control and management of the lands and buildings the county commissioners may if they think it for the interests of the county and society, pay out of the county treasury, the same amount of money for the purchase or lease and improvement of such site or either of them as is paid by such agricultural society or individuals for such purpose or either of them, and such commissioners may levy a tax upon all the taxable property of the county sufficient to meet the provisions of this section.

OTHER PROVISIONS.

SEC. 1848. [Cultivation of lands and crops raised.] The board [of administration] or the several managing officers under its direction, shall determine and direct what lands belonging to said institutions shall be cultivated, the crops to be raised and the use to be made thereof, with

power to distribute the products among the different institutions. It may require such institutions, when they have proper lands and labor, to undertake intensive agriculture, and may rent lands for the production of supplies for any of said institutions which have surplus labor, when it can be done to advantage. * * *

SEC. 3672. [Exemption from license.] * * * No municipal corporation may require of the owner of any product of his own raising, * * * license to vend or sell in any way, by himself, or agent, any such article or product. * * *

SEC. 3676. [Licensing of transient dealers.] [Municipalities have power] To license transient dealers or persons, who open stores or places for the temporary sale of goods, wares, or merchandise, and in granting such license may exact and receive such sum of money as it may think expedient, and may delegate to the mayor thereof authority to grant, issue, and revoke such licenses. This section shall not apply to persons selling by sample only, nor to any agricultural articles or products offered or exposed for sale by the producer.

SEC. 7722. [Powers of board of education as to manual training, etc.] Any board of education may establish and maintain * * * agricultural * * * schools * * * in connection with the public school system; and pay the expenses of establishing and maintaining such schools from the public school funds, as other school expenses are paid.

SEC. 7831. [High school certificate; branches.] No person shall be employed or enter upon the performance of his duties as a teacher in any recognized high school, supported wholly or in part by the state in any village, or rural school district, or act as a superintendent of schools in such district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach

six branches or more selected from the following course of study (three of which branches shall be algebra, rhetoric and physics): Literature, general history, algebra, physics, physiology, including narcotics, Latin, German, rhetoric, civil government, geometry, physical geography, botany and chemistry, and high school agriculture; and that he or she possesses an adequate knowledge of the theory and practice of teaching. (104 v. 106.)

SEC. 7832. [Teacher's special certificate.] No person shall be employed and enter upon the performance of his duties as a special teacher of * * * industrial branches * * * in any elementary or high school supported wholly or in part by the state, in any city, village or rural school district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character that he or she is qualified to teach the special branch or branches of study, and, in addition thereto possesses an adequate knowledge of the theory and practice of teaching. (104 v. 106.)

SEC. 7964. [Written analysis of fertilizers.] The professor occupying the chair in the chemical and mechanical department of the [Ohio state university,] upon application, shall make and give a written analysis of artificial fertilizer furnished to him for that purpose.

SEC. 7971. [Funds from sale of land scrip.] All funds derived from the sale of land scrip issued to this state by the United States, in pursuance of any act of congress, together with the interest accumulated thereon, shall constitute a part of the irreducible debt of the state, the interest upon which, as provided by law shall be paid to the university by the auditor of state, upon the requisition of the commissioners of the sinking fund, issued on the certificate of the secretary of the board of trustees, that it has been appropriated by such trustees to the endowment, support and maintenance of the university, as provided in such act of congress.

SEC. 7972. [Investment of interest of "scrip fund."] On the first days of January and July in each year, the auditor of state shall invest the interest arising from the "agricultural college scrip fund" in the same manner in which the principal thereof is invested.

SEC. 7973. [County schools.] The College of Agriculture and Domestic Science of the university shall arrange for the extension of its teachings throughout the state, and hold schools in which instruction shall be given in soil fertility, stock raising, crop production, dairying, horticulture, domestic science, and kindred subjects. No such school shall exceed one week in length and not more than one be held in any county during a year.

SEC. 7974. [Instructions by mail.] In addition to the holding of such schools such college shall give instruction and demonstrations in various lines of agriculture, at agricultural fairs, institutes, granges, clubs, or in connection with any other organizations, that, in its judgment, may be useful in extending agricultural knowledge. The work in extension may also include instruction by mail in agricultural and mechanical arts, and the publication of bulletins designed to carry the benefits of its teachings to communities remote from the college. Any common carrier is authorized and empowered to carry the persons employed by, and the equipment and exhibits used in such instruction and demonstrations, free or at reduced rates.

SEC. 11726. [Special exemption.] * * * Every head of a family who is engaged in the business of agriculture, in addition to the exemptions provided for in such section shall hold exempt from execution one horse, or one yoke of cattle, with the necessary gearing therefor, and one wagon. * * *

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